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CHARTER

OF THE

CITY AND COUNTY OF SAN FRANCISCO

As Amended in 1903, 1907, 1911, 1913, 1915, 1917 and 1919.

PUBLISHED BY
AUTHORITY OF THE BOARD OF SUPERVISORS
JOHN S. DUNNIGAN, Clerk
1919

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CHARTER

OF THE

CITY AND COUNTY OF SAN FRANCISCO

PREPARED AND PROPOSED
BY THE

BOARD OF FREEHOLDERS

Elected December 27, 1897, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

Ratified by Vote of the People, May 26, 1898.
Approved by the Legislature of the State, January 26, 1899.
In full Force and Effect, January 8, 1900.
With Amendments adopted at Special Election, December 4, 1902, (in effect February 5, 1903). Amendments adopted November 5, 1907 (in effect November 22 and November 23, 1907), and
Amendments adopted November 15, 1910, (in effect February 17, 1911).
Amendments adopted December 10, 1912, (in effect March 28, 1913).
Amendments adopted March 16, 1915, (in effect April 1, 1915).
Amendments adopted November 7, 1916, (in effect January 18, 1917).
Amendments adopted November 5, 1918, (in effect January 17, 1919).

Published by authority of the Board of Supervisors.
JOHN S. DUNNIGAN, CLERK.

SHANNON-CONMY, 509 SANSOME ST.

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Board of Freeholders

President:

JOSEPH BRITTON.

JEROME A. ANDERSON,
JAMES BUTLER,
H. N. CLEMENT,
A. COMTE, JR.,
ALFRED CRIDGE,
L. R. ELLERT,
ISIDOR GUTTE,
P. H. McCARTHY,
JOHN NIGHTINGALE, JR.
JOHN C. NOBMANN,
JOSEPH O'CONNOR,
LIPPMANN SACHS,
EDWARD R. TAYLOR,
A. W. THOMPSON.

Secretary:

J. RICH'D FREUD.

CHARTER

OF THE

City and County of San Francisco

Provided for by Section 8 of Article XI of the Constitution
of the State of California
Proposed by a Board of Freeholders, elected December 27, 1897.
Ratified by the Electors, May 26, 1898.
Approved by the Legislature, January 26, 1899.
(Statutes 1899, page 241)
In full force and effect January 8, 1900.
Amended at a special election held December 4, 1902.
Amendments approved by the Legislature, February 5, 1903.
(Statutes 1903, page 586)
Also amended at the municipal election, held November 5, 1907.
Amendments approved by the Legislature (special session), November 22 and 23, 1907.
(Statutes 1909, page 29)
Also amended at a special election held November 15, 1910.
Amendments approved by the Legislature, February 17, 1911.
(Statutes 1911, page 1661)
Also amended at a special election held December 10, 1912.
Amendments approved by the Legislature, March 28, 1913.
(Statutes 1913, page 1602)
Also amended at a special election held March 16, 1915.
Amendments approved by the Legislature, April 1, 1915.
(Statutes 1915, page 1807)
Also amended at a general election held November 7, 1916.
Amendments approved by the Legislature, January 18, 1917.
(Statutes 1917, page 1708)
Also amended at a general election held November 5, 1918.
Amendments approved by the Legislature, January 17, 1919.
(Statutes 1919)

ARTICLE I.

BOUNDARIES, RIGHTS AND LIABILITIES.

Name and Powers of City and County.

Section 1. The municipal corporation known as the City and County of San Francisco shall remain and continue a body politic and corporate in name and in fact by the name of the City and County of San Francisco, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings; may have and use a common seal and

alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property; receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Boundaries.

Sec. 2. The boundaries of the City and County of San Francisco are hereby declared to be those set forth in Section Thirty-Nine Hundred and Fifty of the Political Code of California.

Rights.

Sec. 3. The City and County of San Francisco shall continue, under this Charter, to have, hold and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality and is hereby declared to be the successor of the same.

Actions by or Against the City and County.

Sec. 4. Suits, actions and proceedings may be brought in the name of the City and County for the recovery of any property, money or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, the City and County, whether made or arising or accruing before or after the adoption of this Charter. All existing suits, actions and proceedings in the courts or elsewhere, to which the City and County is a party, shall continue to be carried on by or against the City and County.

Liability for Damages by Reason of Defective Sidewalks, Etc.

Sec. 5. No recourse shall be had against the City and County, or any board of officers thereof, for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, none of which has been finally accepted by the Supervisors of the city and county as by law, or as in this charter provided, nor shall there be any recourse against the City and County, or any board or officer thereof, for damage to person or property suffered or sustained by reason of accident on any such sidewalk, street, avenue, lane, alley, court or place; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in any such sidewalk, street or public highway, shall be liable to the party injured for the damage suffered or sustained.

When any portion of the roadway of a public street in the City and County which has been accepted by the Supervisors as provided by law, shall be in such defective condition as to endanger persons or property in the use thereof; or when any public sewer is defective or in want of repair, it shall be the duty of the

Board of Public Works to cause any such defect in such roadway or in such sewer to be remedied or repaired. And, if through the official negligence of the said Board such defect remains unremedied or unprotected, and in consequence thereof damage or loss to person or property is sustained or suffered, the said Board shall be liable to the party injured for the damage sustained; *provided* that a notice in writing directing attention to the existence of such defect, and specifying the particular street and block thereof whereon or wherein such defect exists, shall have been served upon the said Board at least five days before such damage shall have been sustained; *and provided further* that there are at such time funds available to the said Board for repairing or remedying such defects.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

ARTICLE II.

LEGISLATIVE DEPARTMENT.

CHAPTER I.

THE BOARD OF SUPERVISORS.

Legislative Power.

Section 1. The legislative power of the City and County of San Francisco shall be vested in a legislative body, which shall be designated the Board of Supervisors. Such body is also designated in this Charter, the Supervisors.

Supervisors: Term. Qualifications.

Sec. 2. The Board of Supervisors shall consist of eighteen members, all of whom shall hold office for two* years and be elected from the City and County at large. Each one must be at the time of his election an elector of the city and county, and must have been such for at least five years next preceding his election. Each Supervisor shall receive a salary of two hundred dollars a month.

Every person who has served as Mayor of the City and County, so long as he remains a resident thereof, shall be entitled to a seat in the Board of Supervisors and to participate in its debates, but shall not be entitled to a vote nor to any compensation.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Quorum.

Sec. 3. A majority of all the members of the Board shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the Board may prescribe.

Powers of the Board of Supervisors.

Sec. 4. The Board shall:

Appointments.

1. Appoint a Clerk, Sergeant-at-Arms and, when authorized to do so by ordinance, such additional clerks and other assistants as may be deemed necessary.

Rules.

2. Establish rules for its proceedings.

Journal.

3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes shall on demand of any member be taken and entered therein.

Decorum.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence.

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*Term made four years: Section 38a, Article XVI.

Presiding Officer.

Sec. 5. The Mayor shall be the presiding officer of the Board of Supervisors. In the absence of the Mayor the Board shall appoint a presiding officer pro tempore from its own members, who shall have the same right to vote as other members.

Meetings: Time and Place.

Sec. 6. The Board shall meet on Monday of each week, or if that day be a legal holiday, then on the next day. The Board shall not adjourn to any other place than to its regular place of meeting, except in case of great necessity or emergency. The meetings of the Board shall be public.

Clerk of the Board: Duties and Powers.

Sec. 7. The Clerk of the Board, when requested to do so, shall administer oaths and affirmations, without charge, in all matters pertaining to the affairs of his office, and shall perform such services as may be prescribed by the Board. He shall have the custody of the seal, and of all leases, grants and other documents, records and papers of the City and County. His signature shall be necessary to all leases, grants and conveyances of the City and County.

Ordinances: Enactment and Passage.

Sec. 8. Every legislative act of the City and County shall be by ordinance. The enacting clause of every ordinance shall be in these words: "Be it ordained by the People of the City and County of San Francisco as follows." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose.

Bills and Resolutions: Final Adoption.

Sec. 9. No bill shall become an ordinance, nor resolution be adopted, unless finally passed by a majority of all the members of the Board and the vote be taken by ayes and noes and the names of the members voting for and against the same be entered in the Journal.

Revision and Amendment.

Sec. 10. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised and amended.

Subject and Title.

Sec. 11. An ordinance shall embrace but one subject, which subject shall be expressed in its title. If any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

Reconsideration: Franchises.

Sec. 12. When a bill is put upon its final passage in the Board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the expiration of twenty-four hours after adjournment. No bill for the grant of any franchise shall be put upon its final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Every ordinance shall, after amendment, be laid over for one week before its final passage.

Advertisement of Bills and Resolutions.

Sec. 13. Every bill or resolution providing for any specific improvement, or the granting of any franchise or privilege, or involving the lease, appropriation or disposition of public property, or the expenditure of public money, except sums less than two hundred dollars, or levying any tax or assessment, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in the official newspaper with the ayes and noes, for at least five successive days (Sundays and legal holidays excepted) before final action upon the same. If such bill be amended, the bill as amended shall be advertised for a like period before final action thereon. But in cases of great necessity the officers and heads of departments may, with the consent of the Mayor, expend such sums of money, not to exceed two hundred dollars, as shall be necessary to meet the requirements of such necessity.

Veto of Separate Items by the Mayor.

Sec. 14. If any bill be presented to the Mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the Mayor's objection. Each item so objected to shall be separately reconsidered by the Board in the same manner as bills which have been disapproved by the Mayor.

When Ordinances Take Effect.

Sec. 15. No ordinance shall take effect until ten days after its passage unless otherwise provided in such ordinance.

Approval or Disapproval of Mayor.

Sec. 16. Every bill and every resolution as hereinbefore provided, which shall have passed the Board and shall have been duly authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill or resolution to the Board within ten days after receiving it. If he approve it he shall sign it and it shall then become an ordinance. If he dis-

approves it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large in the Journal of the Board, and the Board shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be again passed by the affirmative vote of not less than fourteen members of the Board, the presiding officer shall certify that fact on the bill or resolution, and when so certified, the bill shall become an ordinance with like effect as if it had been approved by the Mayor. If the bill or resolution shall fail to receive the vote of fourteen members of the Board it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes and the names of the members voting for and against the same shall be entered in the Journal.

Deposit of All Ordinances.

Sec. 17. All ordinances and resolutions shall be deposited with the Clerk of the Board, who shall record the same at length in a suitable book.

Repeal of Ordinances.

Sec. 18. No ordinance shall be repealed except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the Mayor for his approval as hereintofore provided.

Demands for Payment of Money.

Sec. 19. Except as provided in Chapter III of Article III of this Charter, all demands payable out of the treasury must, before they can be approved by the Auditor or paid by the Treasurer, be first approved by the Board of Supervisors. All demands for more than two hundred dollars shall be presented to the Mayor for his approval, in the manner hereinbefore provided for the passage of bills or resolutions. All resolutions directing the payment of money other than salaries or wages, when the amount exceeds five hundred dollars, shall be published for five successive days (Sundays and legal holidays excepted) in the official newspaper.

Section 20. *Repealed by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661.)*

Section 21. *Repealed by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Amendments to Charter by Petition.

Sec. 22. Whenever there shall be presented to the Supervisors a petition signed by a number of voters equal to fifteen per centum

of the votes cast at the last preceding State or municipal election, asking that an amendment or amendments to this Charter, to be set out in such petition, be submitted to the people, the Board must submit to the vote of the electors of the City and County the proposed amendment or amendments.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The Board of Election Commissioners must make all necessary provision for submitting the proposed amendment or amendments to the electors at a special election to be called by it, and shall canvass the vote in the same manner as in other cases of election.

All the provisions of the Constitution of the State embracing the subject in this section provided for are hereby expressly made applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this Charter may be amended, then the aforesaid amendment or amendments must be submitted by the Board of Election Commissioners to the vote of the electors of the City and County at the election which next ensues after such petition is filed with the Supervisors, if any such election is not to be held within sixty days after the filing of such petition.

The tickets used at such election shall contain the words "FOR THE AMENDMENT" (stating the nature of the proposed amendment) and "AGAINST THE AMENDMENT" (stating the nature of the proposed amendment).

If a majority of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon this Charter shall be amended accordingly.

Section 23. *Repealed by amendment November 15, 1910; approved by the Legislature February 17, 1911; in effect January 8, 1912 (Statutes, 1911, page 1661).*

CHAPTER II.

POWERS OF THE SUPERVISORS.

Section 1. Subject to the provisions, limitations and restrictions in this Charter contained, the Board of Supervisors shall have power:

Local Laws.

1. To ordain, make and enforce within the limits of the City and County all necessary local, police, sanitary and other laws and regulations.

Use of Streets.

2. Except as otherwise provided in this Charter, or in the Constitution of the State of California, to regulate and control for any and every purpose, the use of the streets, highways, public thoroughfares, public places, alleys and sidewalks of the City and County.

Permits for Spur Tracks on Streets.

3. To permit the laying down of spur or side tracks and running of cars thereon for industrial purposes only, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with the Belt Line of railroads along the water front or other lines of railroad which now or may hereafter enter the City and County, subject to such regulations and conditions as may be prescribed from time to time by said Board of Supervisors; such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Board of Supervisors. All spur or side tracks laid down and in use on the first day of July, 1907, shall be deemed to have been laid down and to be in use by permission of the Board of Supervisors, subject to the provisions of this section.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 55).*

Street Sweepings.

4. To empower street railway companies, under such conditions as the Board may see fit to impose, to convey street sweepings and offal to the public parks.

Fire Limits.

5. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension.

Nuisances.

6. To provide for the abatement or summary removal of any nuisance and to condemn and to prevent the occupancy of unsafe structures.

Passenger Vehicles.

7. To regulate the use of hackney carriages and public passenger vehicles, and to fix the rates to be charged for the transportation of persons or personal baggage.

Public Pound.

8. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody and destruction of the same.

Morgue.

9. To provide and maintain a morgue.

Places for Detention.

10. To provide for places for the detention of witnesses and persons charged with insanity, separate and apart from places where criminals or persons accused of public offenses are imprisoned.

Prisons, Hospitals and Almshouses.

11. To establish, maintain and regulate, and change, discontinue and re-establish City and County jails, prisons and houses of detention, punishment, confinement and reformation, hospitals and almshouses.

Acquire Property.

12. To purchase or acquire by condemnation such property as may be needed for public use.

Water, Heat, Light, Power, Etc.

13. Except as otherwise provided in this Charter, to regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the City and County, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of the streets of the City and County, and for flushing the sewers therein.

Regulation of Public Utility Rates.

14. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the City and County, for the use of water, heat, light, power or telephonic service, supplied to the City and County, or to the inhabitants thereof, and to prescribe the quality of the service.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Sessions, 1907, page 55).*

License Taxes, Exemption.

15. To impose license taxes and to provide for the collection thereof; but no license taxes shall be imposed upon any person who, at any fixed place of business in the City and County, sells or manufactures goods, wares or merchandise, except such as require permits from the Board of Police Commissioners as provided in this Charter.

Fines and Penalties.

16. To prescribe fines, forfeitures and penalties for the breach of any ordinance; but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment, or both.

Fees.

17. To fix the fees and charges for all official services not otherwise provided for in this Charter.

Fourth of July. Memorial Day.

18. To allow not to exceed two thousand five hundred dollars in any year for the celebration of the anniversary of our National Independence, and not to exceed five hundred dollars in any year for the observance of Memorial Day.

Cruelty to Animals.

19. To appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals, and to authorize the payment of the same or some part thereof to any society that shall efficiently aid in such convictions.

Interpreters' Compensations.

20. To provide for the payment of compensation to the interpreters appointed by the Judges of the Superior Court to interpret testimony in criminal cases in said Court or the Police Court, or upon inquests and examinations. Such compensation shall not exceed one hundred dollars a month for each interpreter.

Rewards to Catch Criminals.

21. To offer rewards not exceeding one thousand dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the City and County, and to authorize the payment thereof.

Sewer System Fund.

22. To provide in the annual tax levy for a special fund to be used in the construction of a general system of drainage and sewerage.

Official Seals.

23. To provide a Seal for the City and County, and Seals for the several departments, boards and officers thereof, and a Seal for the Police Court.

Hours and Wages of Laborers.

24. To fix hours of labor or service required of all laborers in the service of the City and County, and to fix their compensation; provided that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be three dollars a day.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Boulevards.

25. To set apart as a boulevard or boulevards any street or streets, or portions of a street or streets, over which there is no existing franchise for any street railroad.

Tunnels.

26. To construct or permit the construction of tunnels, under such rules and regulations as the Board may prescribe.

Regulation of Street Railways.

27. To regulate street railroads, tracks and cars; to permit two or more lines of street railways, operated under different managements, to use the same street, each paying an equal portion for the construction and repair of the tracks and appurtenances used by said railways jointly for such number of blocks consecutively, not exceeding ten blocks, to fix, establish and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 586).*

Entry to the City of Steam Railroads.

28. To allow any transcontinental or other railroad company having not less than fifty miles of road actually constructed and in operation to enter the City and County with its road and run its cars to the water front at the most suitable point for public convenience. No exclusive right shall be granted to any railroad company; and the use of all such rights shall at all times be subject to regulation by the Supervisors.

Every ordinance granting such right shall be upon the conditions that said company shall pave and keep in repair the street from curb to curb in such a manner and with such material as may from time to time be prescribed by the Supervisors, and that such company shall allow any other railroad company to use in common with it the same track or tracks, each paying an equal portion for the construction and repair of the tracks and appurtenances used by such railways jointly.

Conveyance of Lands.

29. To convey lands in accordance with the provisions of the Act of the Legislature of the State of California, entitled "An Act to expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof," approved March 14, 1870.

Trusts.

30. To provide for the execution of all trusts confided to the City and County.

Vacant Lots.

31. To transfer from one department of the City Government vacant and unused lots of land to another department.

Lease of Lands of the City.

32. To provide for the lease of any lands now or hereafter owned by the City and County; but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least three weeks. No lease shall be authorized except by ordinance passed by the affirmative vote of two-thirds of the members of the Board, and approved by the Mayor, and no lease shall be made for a longer period than twenty years.

Sale of Useless Property.

33. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the City and County.

Purchase of Property.

34. To provide for the purchase of property levied upon or under execution in favor of the City and County; but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Mayor's Contingent Fund.

35. The Supervisors must appropriate annually to the Mayor thirty-six hundred dollars as and for a contingent fund, for which he need furnish no vouchers.

To Aid Indigent and Exempt Firemen.

36. To allow not to exceed the sum of five thousand dollars a year for the relief of aged, indigent and infirm exempt firemen who served in the Volunteer Fire Department between the years 1850 and 1866.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 586).*

Giving Permit to Panama-Pacific International Exposition.

37. The Board of Supervisors shall pass such ordinances governing the use and closing of streets, the erection, use, alteration, demolition and control of buildings and structures of every nature and description; the installation, use and control of plumbing, water, gas, steam, sewerage and other pipes and instrumentalities; the use and control of electric light, power, and other wires, conduits, generating, transmitting and other apparatus; the erection and maintenance of steam boilers, steam, gas, and other engines and apparatus; the maintenance and control of fire and police protection, and governing any and every other matter necessary, proper or expedient for the safety, convenience and welfare of the public within that portion of the City and County of San Francisco which has been or may be selected as the site for the holding

of the Panama-Pacific International Exposition. The provisions hereof, and the ordinances adopted hereunder, shall supersede all conflicting provisions of this Charter, and all conflicting provisions of any ordinance heretofore passed, so far as the same apply to the site herein specified, until the first day of January, 1917: *provided*, that no ordinance passed by virtue of any provision herein contained shall be operative outside of the limits of the site hereinabove specified.—*New subdivision added by amendment December 10, 1912, approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Bureau of Supplies.

38. To provide for and regulate the purchase, storage and distribution of all supplies for the various offices and departments, and may provide for the establishment of a Bureau of Supplies, and the employment of a Chief of such bureau, with necessary employees and salaries therefor. The Bureau so established may furnish all supplies and materials required by any officer or department of the City and County.—*New subdivision, added by amendment December 10, 1912, approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Form of Demands.

39. To prescribe the forms in which demands against the treasury shall be made and presented, and the forms in which warrants shall be drawn by the Auditor and delivered for the payment thereof.—*New subdivision added by amendment December 10, 1912, approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Uniform System of Accounting.

40. To prescribe a uniform system of accounting for the various offices and departments.—*New subdivision added by amendment December 10, 1912, approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Records, Documents and Files.

41. To prescribe forms, methods and facilities for keeping the records, documents and files in any office or department of the City and County, unless otherwise provided by general laws.—*New subdivision added by amendment December 10, 1912, approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Planning Commission.

42. To provide by ordinance for the establishment of a City Planning Commission, which shall devise plans for the improvement and beautification of San Francisco. Members of said Planning Commission shall receive no compensation and shall not be subject to any prohibition forbidding officials from holding more than one office or position. The Board of Supervisors shall prescribe the duties of said Commission, the number and qualifica-

tions of the members thereof, and in general shall enact all legislation not expressly forbidden by this Charter or by general law necessary or incident to carrying into execution the propositions for which said City Planning Commission is instituted.—*New subdivision added by amendment December 10, 1912, approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Public Aquarium.

43. To accept gifts of buildings, properties and moneys for the purpose of establishing and maintaining a public aquarium, and to appropriate from the general fund of the City and County not less than twenty thousand dollars annually for the support and maintenance of a public aquarium.—*New subdivision added by amendment, November 7, 1916, approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Steinhart Aquarium.

Subdivision 43-A. The devise and bequest of Ignatz Steinhart, deceased, of the sum of $250,000 for the erection and completion of an Aquarium to be located in Golden Gate Park in the City and County of San Francisco for the use and enjoyment of the people of the City and County of San Francisco, the management, superintendence and operation of which is to be in charge and under the direction of the California Academy of Sciences of San Francisco, is hereby accepted, said devise and bequest being as follows:

"It being my earnest desire, to provide the citizens of San Francisco with an Aquarium to be erected in the Golden Gate Park of said City, and to be called the 'Steinhart Aquarium'; and provided such an Aquarium has not heretofore been constructed or placed in operation by me or any other party or parties, I hereby give, devise and bequeath to the California Academy of Sciences of San Francisco, the sum of ($250,000) two hundred and fifty thousand dollars, for the erection and completion of an Aquarium to be located in the Golden Gate Park of said City of San Francisco, and adjacent or adjoining to the new buildings and museum of said Academy of Sciences in said Park and

Subject to the following conditions:

I. Said Aquarium as aforementioned, to be called the Steinhart Aquarium, and a bronze bust or statue of my brother Sigmund Steinhart, now deceased, but joint donor with me, to be erected and displayed in some convenient place in said Aquarium building.

II. The location, plans and specifications as also of the appurtenances and installations therein, to be submitted to my executors and to be approved by same.

III. The final cost of said Aquarium not to exceed to my estate the sum of said $250,000 aforementioned, to be certified to by the original officials of said Academy of Sciences and the architect selected for the construction of said Aquarium.

IV. The management, superintendence and operation of said Aquarium to be in charge and under the direction of said Academy of Sciences; and I expect that the necessary funds for the maintenance and operation of said Aquarium will be furnished by the City of San Francisco for the benefit of the inhabitants thereof or others, who may enjoy said Aquarium or derive knowledge and information therefrom.

In case, however, during my lifetime an Aquarium should have been erected and exist, in said Golden Gate Park, then said bequest of $250,000 is to be null and void and hereby cancelled.

And in lieu thereof, I hereby give, devise and bequeath to said Academy of Sciences the sum of ($150,000) one hundred and fifty thousand dollars, for the enlargement and extension of the Aquarium then existing. I would suggest that a Terrarium and Exhibit of Insects be installed in said enlarged Aquarium. Location plans and specifications for the latter, are likewise to be approved by my executors, and conditions and clauses I to IV heretofore mentioned, should as far as feasible and practical apply to said bequest of $150,000 for said enlargement and extension of said Aquarium."

The Board of Supervisors is hereby empowered to pass any ordinance necessary to carry into full force and effect the terms, conditions and provisions of said devise and bequest, to accept any further gifts of money, properties or buildings for the extension or support of said Steinhart Aquarium, under the management, superintendence and operation of the California Academy of Sciences of San Francisco and to authorize the expenditure of such sum of money as shall be appropriated from the General Fund of the City and County of San Francisco under the provisions of Subdivision 43, Section 1, Chapter II, Article II of the Charter through the California Academy of Sciences of San Francisco for the support and maintenance of said Steinhart Aquarium under such regulations as said Board of Supervisors may prescribe by Ordinance.—*New subdivision added by amendment November 5, 1918, approved by the Legislature January 17, 1919 (Statutes, 1919).*

Equalization Board.

Sec. 2. The Supervisors shall constitute the Board of Equalization of the City and County. The Clerk of the Supervisors shall be Clerk of the Board of Equalization by virtue of his office.

Finance Committee: Duties and Powers.

Sec. 3. The Board of Supervisors shall appoint from its members a committee consisting of three to be denominated Finance Committee, and shall fill all vacancies in the Committee. The Committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow, or audit demands

on the treasury; shall have free access to any records, books and papers in all public offices; shall have power to administer oaths and affirmations, and to examine witnesses, and compel their attendance before them by subpoena. The Committee may at any time visit any of the public offices and make its examinations and investigations therein without hindrance.

The Committee must, at least once in every six months, examine the official bonds of all City and County officers, and investigate the sufficiency and solvency of the sureties thereon, and report in writing the facts to the Mayor. Such report shall specify each bond with the sureties, and the amounts for which each surety is bound, and state whether or not they are sufficient and solvent. Upon such report the Mayor shall take such action as shall be necessary to protect the City and County, and may require new bonds when necessary, and he may suspend any officer till a sufficient bond is filed and approved.

Expert Books of Quasi-Public Corporations. Misdemeanors in Office.

Sec. 4. The Finance Committee shall have power, and it shall be its duty to examine the records and examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their gross receipts into the treasury; and shall likewise, as an aid to the fixing of rates for furnishing water and light to the City and County and to the inhabitants thereof, have like power, and it shall be its duty, to examine the records and examine and expert the books of account of any and all persons, companies or corporations so furnishing water or light.

In the exercise of its functions, the concurrence of two members of the Committee shall be deemed sufficient. The Committee shall keep a record of its proceedings with the names of the witnesses examined and a substantial statement of the evidence taken. If, from the examination made by the Committee, it shall appear that a misdemeanor in office, or a defalcation, has been committed by an officer, the Committee shall immediately report to the Mayor, who, if he approve the report, shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the process and orders of the Committee.

No Exclusive Franchise.

Sec. 5. No exclusive franchise or privilege shall be granted for laying pipes, wires or conduits.

Street Railway Franchises: Method of Granting.

Sec. 6. The Board of Supervisors shall have power to grant authority for a term not exceeding twenty-five years to construct and operate street railways upon, or over, or under, the streets or parts of streets of the City and County not reserved for boulevards or carriage driveways, upon the following conditions and in the following manner and none other:

Upon application being made to the Board for any such franchise, it shall by resolution determine whether such franchise or any part thereof should be granted, and at said time shall determine on what conditions the same shall be granted additional to those conditions provided in this Chapter. After such determination, it shall cause notice of such application and resolution to be advertised in the official newspaper of the City and County for ten consecutive days. Such advertisement must be completed not less than twenty nor more than thirty days before any further action is taken by the Board on such application. The advertisement must state the character of the franchise sought, the term of its proposed continuance, and the route to be traversed; that sealed bids will be received up to a certain hour on a day to be named in the advertisement; and a further statement that no bids will be received of a stated amount, but that all bids must be for the payment to the City and County in lawful money of the United States of a stated percentage of the gross annual receipts of the person, company or corporation to whom the franchise may be awarded, arising from its use, operation, enjoyment or possession.

Every bidder shall file with his bid a bond executed to the City and County, with at least two good and sufficient sureties to be approved by the Mayor in a penal sum prescribed by the Supervisors, and set forth in such advertisement, conditioned that such bidder will well and truly observe, fulfill and perform each and all of the conditions, terms and obligations of the franchise for which said application was made in case the same shall be awarded to him, and that in case of the breach of any of the conditions of such bond, the whole amount of the penal sum therein named shall be taken to be liquidated damages, and that as such shall be recoverable from the principal and sureties on such bond.

At the next regular session after the expiration of the time stated in such advertisement up to which such bids will be received, the Board must open such bids and award the franchise to the person, company or corporation offering to pay the highest stated percentage of the gross receipts arising from the use, operation, possession or enjoyment of the franchise for which such application was made. But no award shall be made, nor any such application granted, unless the stated percentage offered to be paid for the franchise shall be at least three per centum of such gross receipts during the first five years of the period for which the franchise is to be granted, four per centum of the gross receipts during the next succeeding ten years, and five per centum of the gross receipts during the next succeeding ten years.

Except as in this section otherwise provided, bidding for such franchises must be in accordance with the provisions of this Charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable. The Supervisors may reject any and all bids, and may refuse to grant a franchise for any part of the route for which application was made. Every

ordinance making such grant shall require the concurrence of three-fourths of all the members of the Board of Supervisors, as shown by the ayes and noes, and the approval of the Mayor, and at least ninety days shall intervene between the introduction and final passage of any such ordinance. It shall require a vote of five-sixths of all the Supervisors to pass the ordinance notwithstanding the objections of the Mayor.

If any bid be accepted, the franchise must be granted upon the express condition, in addition to the conditions required by this Charter, and such other conditions as may be prescribed by the Supervisors, that the per centum of the gross receipts of the railway shall be paid into the treasury on or before the tenth day of the next ensuing month after such gross receipts shall have been earned; and upon the further condition that the whole of the railway shall be continuously operated, and that at the end of the term the road-track and bed of such railway and all its stationary fixtures upon the public streets, shall become the property of the City and County; and that the grantees will, within one hundred days after the date of such grant, commence the construction of such railway, and continuously thereafter, in each and every month until the completion thereof, expend in such construction at least the sum of three thousand dollars.

The failure to comply with any of said conditions shall work an immediate forfeiture of such franchise and the road or track constructed thereunder. There shall be no power in the Supervisors to relieve from such forfeiture or from any of said conditions. On or before the tenth day of each month after said receipts shall have been earned, the President and Secretary of said railway company shall make and file with the Clerk of the Board of Supervisors a sworn statement of the gross receipts of such railway for the preceding month.

In granting any such franchise the Board of Supervisors shall impose such other lawful conditions as it may deem advisable, and must expressly provide that the franchise shall not be renewed or regranted, and that the Board shall at all times have the power to regulate the rates of fare to be charged by those using, operating, possessing or enjoying the franchise, and that the Finance Committee of the Board shall at all times be permitted to examine and expert their books as to such gross receipts. All moneys received for such franchises and in payment of the said per centum shall be credited to the General Fund.

Electric Power and Lighting Franchises. Conditions and Manner of Granting Same.

Sec. 7. The Supervisors shall have no power to grant franchises or privileges to erect poles or wires for transmitting electric power or for lighting purposes along or upon any public street or highway of the City and County except upon all the conditions and in the manner, including competitive bidding and pay-

ment of a percentage of gross receipts, hereinbefore set out, and upon the further condition that the Board shall at all times have the right to regulate the charges of any person, company or corporation using, enjoying or possessing such franchise or privilege.

When, on the expiration of any street railroad franchise, it shall be deemed inexpedient by the Board to use any of the property reverting to it by reason of such expiration in the operation of a street railroad, then the Board shall have power to lease such property to any person, company or corporation after the notice, on the terms, and in the manner above provided as to the granting of street railroad franchises, as far as the same may be applicable. But no ordinance authorizing such lease shall be passed prior to ninety days next preceding the expiration of such franchise.

Any ordinance granting a franchise or authorizing a lease under the provisions of this section shall be in force from and after the expiration of thirty days from the date of its signature by the Mayor, or from and after the expiration of thirty days from the date of its passage by the Supervisors over his objections, unless within said thirty days a petition signed by a number of the electors of the City and County equal to fifteen per centum of the votes cast at the last preceding election, shall have been filed with the Supervisors, asking that said ordinance be submitted to the vote of the people. In such case said ordinance shall be submitted at the next election to the vote of the electors of the City and County, and unless said ordinance shall at said election receive in its favor a majority of the votes cast thereon it shall have no force or effect for any purpose. If a majority of the votes be in favor of such ordinance, the Board of Election Commissioners shall, on the conclusion of the canvass of the vote thereon, proclaim such fact, and upon such proclamation said ordinance shall have full force and effect as of the date aforesaid. Said petition and submission shall be made in accordance with the provisions of section twenty of Chapter I of this Article.

[Note—For further conditions relating to franchises see Sections 7a, 7b, 7c, Chapter II, Article III.]

Claims for Damages Against the City.

Sec. 8. All claims for damages against the City and County must be presented to the Board of Supervisors and filed with the Clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise there shall be no recovery on any such claim.

Sales of Certain Lands and Procedure Therefor.

Sec. 9. The City and County of San Francisco shall have power to sell all lands owned by the City and County between Ninth street and Eighteenth street, lying in what was formerly Mission Creek, and any and all lands that may be hereafter acquired, excepting lands for parks, squares and children's play-

grounds, and the Board of Supervisors of said City and County may by ordinance determine that the public interest or necessity demands the sale of such lands so owned or held by the City and County.

Such ordinance must describe the lands to be sold, and the terms of sale, which must be for cash in United States gold coin. The land may be sold in one parcel or in subdivisions, as the Supervisors may, in such ordinance, determine, and sales shall be made by the Mayor, as hereinafter provided.

Every such sale must be at public auction, unless the Supervisors shall, in and by such ordinance, determine that all or a portion of such lands shall be sold at private sale.

When a sale at public auction is to be had, the Clerk of the Board of Supervisors must give notice thereof by publishing the same in the official newspaper, and one other daily newspaper published in the City and County, at least three weeks successively next before the sale, which said notice shall describe the lands to be sold, with common certainty.

Such sales at public auction must be made in the City and County, and must be between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon, and must be made on the day named in the notice of sale, unless the same is postponed.

When it shall have been determined by the Supervisors, as hereinbefore provided, that the sale of such lands shall be at private sale, a notice shall be published in the official newspaper, and one other daily newspaper published in the City and County, for two weeks successively next before the day on or after which the sale is to be made, and the land and tenements to be sold must be described therein with common certainty. The notice must state a day on or after which the sale will be made, and must state that all bids or offers will be received by the Mayor of the City and County, at his office. The day last referred to must be at least fifteen days from the first publication of notice; and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing, and must be filed with the Mayor, at his office.

No sale of real estate at private sale shall be confirmed by the Supervisors as hereinafter provided, unless the sum offered shall be at least 90 per cent of the appraised value thereof, to be fixed and determined as next hereafter provided.

An appraisement of such lands shall be made and filed with the Supervisors, within three weeks after the final passage of the ordinance hereinbefore mentioned, by the Mayor, the Assessor, and the chairman of the Finance Committee of the Supervisors, who are hereby constituted a board of appraisement for such purpose.

When a sale shall have been made by the Mayor, at public auction or at private sale, as hereinbefore provided, he shall require

from the person to whom the property is sold a deposit amounting to 10 per cent of the sum bid. He shall immediately thereafter, at the next meeting of the Supervisors, report the fact of such sale to the Supervisors, with a statement of the sum bid, and the name of the bidder, with a request that the Board confirm such sale.

The Clerk of the Supervisors shall immediately thereupon give notice by publication in the official newspaper, and one other daily newspaper published in the City and County, that at a meeting of the Supervisors, to be held not less than twenty, nor more than thirty days, from the first publication of such notice, that such sale has been made, the amount for which the property has been sold, and the name of the purchaser. Such notice shall also contain a statement that at such meeting, if an offer of 10 per cent more in amount than that named in said notice shall be made to the Supervisors, in writing, by a responsible person, the Supervisors will confirm such sale to such person, or order a new sale, as hereinafter provided.

At such meeting, if it appears to the Supervisors that the sum bid is not disproportionate to the value of the property sold, and that a greater sum cannot be obtained, or if an increased bid, as hereinbefore mentioned, be made and accepted the Board of Supervisors may, by an ordinance, passed by an affirmative vote, of at least fifteen of its members, confirm such sale, and direct conveyances to be executed by the Mayor. A certified copy of such ordinance shall be recorded in the County Recorder's office in the County in which the property is situated.

The Board of Supervisors may, in its discretion, confirm or refuse to confirm any sale.

In the event of the refusal of the Board of Supervisors to confirm the sale all proceedings taken as hereinbefore provided, for the sale of the lands shall be void and of no effect.

If the sale is confirmed by the Board of Supervisors, conveyances must thereupon be made by the Mayor to the person to whom the sale shall have been so confirmed, and shall be delivered to him upon payment of the balance of the purchase price. Such conveyances shall be in the name of the City and County, and shall be effective to convey all the right, title and interest of the City and County in and to the lands therein described, to the grantee therein named.—*New section added by amendment, adopted November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 39).*

Civic Center and Sale of Relief Home Property.

Sec. 10. The Board of Supervisors may acquire land in the district bounded by Market street, Golden Gate avenue and Franklin street, for the purpose of establishing a Civic Center, and when it appears to the advantage of the City and County so to do it may acquire land in excess of the actual requirements, and may

dispose of any such excess in exchange for other lands within such district or for the purpose of acquiring additional lands or for the erection of structures thereon. It may convey to the State of California a parcel of land in such district for the purpose of the erection of a state building thereon and in consideration therefor may receive from the State any parcel of land in such district now owned by the State; and with the consent of the Board of Trustees of the Public Library and reading rooms it may exchange parcels of land with the said Board of Trustees, and upon such exchange said Board of Trustees is hereby authorized to relinquish control of such land as may have been heretofore set apart for its use. It may authorize the erection of an auditorium by the Panama-Pacific International Exposition Company, or of an opera house, museum, or other structure, provided the ownership of such structure shall always be vested in the municipality.

The Board of Supervisors, in the manner provided in the preceding section, may sell a portion of the Relief Home tract not adapted to public use, being a portion of the Rancho San Miguel and generally described as lying southerly and westerly from the lands of the Spring Valley Water Company. The proceeds arising from such sale shall be used exclusively for the purchase of other lands adjoining such Relief Home tract.—*New section added by amendment December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Sale of Outside Land School Lots.

Sec. 11. Whenever the Board of Education shall by Resolution determine that any of the lots of land located westerly of Arguello Boulevard, formerly First avenue, and the southerly projection thereof, reserved for school purposes by the committee on Outside Lands appointed by the Board of Supervisors under the provisions of Ordinance No. 800, approved by the Mayor and the President of the Board of Supervisors on January 14, 1868, and confirmed by Act of the Legislature and approved March 27, 1868, are inadequate or unsuitable for school purposes or for use as sites for school buildings and that the public interest or necessity demands the sale thereof, said Board may recommend to the Mayor that such sale be made. If the Mayor shall concur in said recommendation he shall report the same to the Board of Supervisors and said Board shall make such sale in the manner provided in Section 9 of this Chapter. The proceeds arising from such sale shall be used exclusively for the purpose of purchasing lands for school purposes or sites for school buildings or for additions to existing sites for school purposes.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

CHAPTER III.

CONTRACTS.

Manner of Purchasing Supplies and Awarding of Contracts.

Section 1. All contracts for goods, merchandise, stores, supplies, subsistence or printing for the City and County, as well as for all subsistence, supplies, drugs and other necessary articles for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this Charter, must be made by the Supervisors, with the lowest bidder offering adequate security, after publication for not less than ten days in the official newspaper; and no purchase thereof or liability therefor shall be made or created except by contract.

Except as otherwise provided in this Charter, the Board must determine annually what goods, merchandise, stores, supplies, drugs, subsistence and other necessary articles will be needed by the City and County for the ensuing year, and it shall have no power to purchase or to pay for the same unless the provisions in this Charter provided as to competitive bidding for supplies are strictly followed, and no contract shall be made for any of the same unless upon such competitive bidding.

All proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank in the City and County of ten per centum of the amount of the bid, payable at sight to the order of the Clerk of the Supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the Clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

Notices for proposals for furnishing the aforesaid articles shall mention said articles in general and shall state that the conditions and schedule may be found in the office of the Clerk of the Board of Supervisors; and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner, as the Supervisors may designate. Any bidder may bid separately for any article named. The award as to each article, shall in all cases be made to the lowest bidder for such article, and where a bid embraces more than one article, the Supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. In the case of contracts for subsistence of prisoners, the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. No article or articles provided for in this section shall have been made in any prison. The Supervisors shall require bonds with sufficient sureties for the faithful performance of every contract.

The Clerk of the Supervisors shall furnish printed blanks for all such proposals, contracts and bonds.

All bids shall be sealed and delivered by the bidder to the Clerk of the Supervisors, and opened by the Board at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected. All articles so supplied shall be subject to inspection and rejection by the Supervisors and by the person in charge of the office, institution or department for which the same are supplied.

Every contract for work to be performed within the State of California at the expense of the City and County or paid for out of moneys deposited in the Treasury, whether such work is to be done within or outside the limits of the City and County, and whether such work be done directly by or under such contract duly awarded, or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, must provide: (1) That in the performance of the contract, eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages or compensation of persons performing labor in the execution of such contract, subcontract, subpartnership, day labor, station work, piece work or other arrangement, shall be three dollars per day; (2) that any person performing labor in the execution of such contract shall be a citizen of the United States or have declared his intention of becoming such; (3) that preference in the performance of labor under such contract or other arrangement shall be given to persons who shall have actually resided in the City and County and shall have so resided for the period of one year next preceding the date of their engagement to perform labor thereunder. The foregoing provisions designated (1), (2) and (3) must also apply to persons performing labor in the commissary or other auxiliary department of labor conducted in the course of the execution of such contract or any part thereof; and the said provisions shall also apply in any work done for or by the City and County or by any officer, board or commission thereof, when such work is to be done at the expense of the City and County or paid for out of moneys deposited in the Treasury. Any contract for work to be performed under the provisions of this Section which does not comply with the provisions thereof, shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Contracts for Official Advertising.

Sec. 2. All contracts for official advertising shall be let annually in like manner by the Supervisors to the lowest responsible bidder publishing a daily newspaper in the City and County, which has a bona fide daily circulation of at least eight thousand copies, and

has been in existence at the time of letting such contract for at least two years. In inviting proposals therefor, such advertising shall not be classified and no proposal shall be acted upon which offers to do such advertising at different rates for different portions thereof.

Such advertising shall be construed to mean the advertising and publication of all official reports, orders, ordinances, messages, resolutions, notices inviting proposals and all notices of every nature relating to city work. No part or kind of such advertising shall be charged or contracted for at a higher rate than any other part or kind of the same is charged or contracted for, except in the case of the delinquent tax list.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other official advertising.

No board, department or officer shall make any publication which is not expressly authorized by this Charter or by the Supervisors.

Stationery Supplies.

Sec. 3. The Clerk of the Supervisors shall annually, under the direction of the Supervisors, advertise for proposals for supplying the various departments, officers and offices of the City and County with all stationery and supplies in the nature of stationery, assessment books, minute books, blank books and the printing of blanks. The contracts for stationery shall be separate from those for printing.

Notice for proposals for supplies shall require a greater or less quantity to be delivered at such times and in such manner as the Supervisors may designate. The advertisement for bids for paper shall state the weight, quality and size of the various kinds required, and that for printing shall enumerate the various letter heads, tax bills, tax receipts, court notices, and all blanks, papers and documents now used or hereafter required in any and all departments of the City and County, including the forms, papers and blanks now used or hereafter required by the courts of the City and County.

The forms for all printing shall be consecutively numbered, and each form and blank shall be known as No.—— (specifying the number). Such advertisement shall be published for at least ten days, and shall require the bidders to state the price at which each article will be furnished, printed or manufactured, as the same may be required from time to time during such period, and the amount of the bond that will be required as security for the performance of the contract.

No stationery furnished to any officer or department shall contain the name or names of the officer or officers constituting the head of the department or board. The contract or contracts must

be made with the lowest bidder offering adequate security, quantity and quality being considered. The Clerk of the Supervisors shall have rooms in the City Hall for the custody of such stationery, and when purchased the same shall be delivered to him, and he shall issue and distribute the same to the various departments as required.

He shall keep accounts in detail, charging himself with all goods received, and crediting himself with the goods delivered upon order or requisition as hereinafter provided. When any of such supplies are required for any department, the Clerk of the Supervisors shall issue the same after the requisition for such articles has been made by the head of such department and approved by the Mayor.

All requisitions for printing shall be made in a similar manner. The Clerk shall report monthly in writing to the Supervisors in detail, the amount of all paper, blanks, books, stationery and printing ordered by and delivered to any department or officer.

Collusion With Bidder Constitutes Misfeasance.

Sec. 4. Any officer of the City and County, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kinds of material or supplies than has been actually received, shall be deemed guilty of misfeasance and shall be removed from office.

Execution, Signing and Registration of Contracts.

Sec. 5. All contracts provided for in this Chapter must be in writing and executed in the name of the City and County by the Mayor. All such contracts must be countersigned by the Clerk of the Supervisors, and registered by number and date in a book kept by him for that purpose. When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited, and a contract awarded as provided herein in the first instance. When the Supervisors believe that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby, they may reject any and all bids and cause the notice for proposals to be re-advertised.

Lighting Contracts.

Sec. 6. No contract for lighting streets, public buildings, places or offices, shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light or any illuminat-

ing material at a higher rate than the minimum price charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the board or department using or having charge thereof, and shall specify the amount of gas, electric light or illuminating material consumed in such building during the month.

Bond of Contractors.

Sec. 7. Every contractor, person, company, firm, or corporation, to whom is awarded a contract for the execution or performance of any building, street, excavating or other mechanical work for the City and County, the expense of which is payable out of municipal funds or out of funds specially made available for any such work, or of any street work or street improvements in the City and County, the costs and expenses of which, in whole or in part, are assessable upon property in private ownership, shall before entering upon the performance of such work, file with the board or officers by whom such contract was awarded, a good and sufficient bond, to be satisfactory to such contracting board or officers, in a sum not less than one-half of the total amount payable by the terms of the contract; such bond shall be executed by the contractor and either at least two sureties who shall each justify in the amount required for said bond, or when there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond, or by corporate surety, or sureties, as provided by law, in the amount specified in the bond, and shall be made to inure to the benefit of any and all persons, companies, firms, or corporations, who furnish materials, provisions, provender or other supplies, or teams, or motor or other vehicles, or machines used in, upon, for or about the performance of said work, or who perform work or labor thereon of any kind, and must provide that if the contractor, person, company, firm, or corporation, or his or its subcontractor, fails to pay for any materials, provisions, provender or other supplies, or teams, or motor or other vehicles, or machines, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the surety or sureties will pay the same in an amount not exceeding the sum specified in the bond.

Any materialman, person, company, firm, or corporation, furnishing materials, provisions, provender or other supplies, used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company, firm, or corporation renting or hiring teams, or motor or other vehicles, or machines, for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplied both work and materials, and whose claim has not been paid by the contractor, company, firm, or corporation, to whom the contract has been awarded, or by the subcontractor of

said contractor, company, firm, or corporation, may within ninety days from the time such contract is completed and the work thereunder accepted by the contracting board or officers, or in case the contract be abandoned before the completion of the work contracted to be done, then within ninety days after such abandonment, file with the board or officers by whom such contract was awarded, a verified statement of such claim, together with a statement that the same, or some part thereof, has not been paid. If such claim be so filed, a copy thereof shall be served on the surety or sureties on the bond of such contractor, company, firm, or corporation, filed as herein provided. At any time within six months after the filing of such claim, the person, company, firm, or corporation filing the same may commence an action against the surety or sureties on the said bond in this section specified and required, for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof. *—New section added by amendment November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

ARTICLE III.

FINANCE AND TAXATION.

CHAPTER I.

LEVYING OF TAXES.

Estimates of Annual Requirements in Each Department.

Section 1. On or before the first Monday of April in each year the heads of departments, offices, boards and commissions of the City and County shall send to the Supervisors an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the Auditor.

Auditor's Annual Estimate of the City's Requirements and Revenue.

Sec. 2. On or before the first Monday of May in each year the Auditor shall transmit to the Supervisors an estimate of the probable expenditures of the City and County government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Supervisors to Make Annual Budget.

Sec. 3. The Supervisors shall meet annually between the first Monday of May and the first Monday of June, and by a vote of a majority of all the members thereof make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the City and County for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the Supervisors shall deem advisable.

Before finally determining upon the budget, the Supervisors shall fix such sufficient time or times as may be necessary to allow the taxpayers to be heard in regard thereto, and the Supervisors shall attend at the time or times so appointed for such hearing.

Mayor May Veto Items.

Sec. 4. Any item in said budget may, within ten days, be vetoed in whole or in part by the Mayor, and it shall require fifteen votes of the Supervisors to overcome such veto. Action thereon must be taken before the last Monday of June.

After the final estimate is made in accordance herewith, it shall be signed by the Mayor and the Clerk of the Supervisors, and the

several sums shall then be appropriated for the ensuing fiscal year to the several purposes and departments therein named. The estimate shall be filed in the office of the Auditor.

Annual Tax Levy.

Sec. 5. The Supervisors must cause to be raised annually according to law, and collected by tax, the amounts so appropriated, less the amounts received from fines, licenses and other sources of revenue.

Demands Upon the Treasury.

Sec. 6. Except as otherwise provided in this Charter, no money shall be drawn from the treasury unless in consequence of appropriations made by the Supervisors and upon warrants duly drawn thereon by the Auditor.

Warrants.

Sec. 7. No warrant shall be drawn except upon an unexhausted specific appropriation.

Appropriation for Urgent Necessities.

Sec. 8. The Supervisors may appropriate $100,000 a year for urgent necessities not otherwise provided for by law. No money shall be paid out of this appropriation unless authorized by a five-sixths vote of all the members of the Board of Supervisors, and approved by the Mayor.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 37).*

One-Twelfth Limit on Monthly Expenditures. Registration of Demands and Agreements.

Sec. 9. It shall not be lawful for the Supervisors, or for any board, department, officer or authority having power to incur, authorize or contract liabilities against the treasury, to incur, authorize, allow, contract for, pay or render payable in the present or future, in any one month, any expenditure, demand or demands, against any appropriation, which, taken with all other expenditures, indebtedness or liability made or incurred up to the time in such month of making or incurring the same, shall exceed one-twelfth part of the amount of the appropriation for the fiscal year.

When any board, department or officer having power to incur liabilities against the treasury shall make any agreement for obtaining supplies or having labor performed, such department, officer or board shall register such agreement by number and date, and all demands arising under such agreement shall be payable in the order of such registration. Such department, board or officer must inform the person with whom it is proposed to make such agreement of the amount of money available or likely to be available in the fund from which such demands are payable.

If, at the beginning of any month, any money remains unexpended in any appropriation which might lawfully have been expended during the preceding month, such unexpended sum or

sums, except so much thereof as may be required to pay all unpaid claims upon such appropriation, may be carried forward and expended in any succeeding month of such fiscal year; but not afterwards, except in payment of claims lawfully incurred during such fiscal year. Appropriations provided to meet the expense of elections; for the support and maintenance of the Assessor's and Tax Collector's departments; and for urgent necessities, shall be exempt from the provisions of this section.

Indorsement of Auditor Upon Contracts.

Sec. 10. No contracts made the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force, unless the Auditor shall indorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the Board or officer making the same; provided, that where the expense of executing such contract is to be paid entirely from the proceeds of bond issues, the requirements of this section may be satisfied through an indorsement by the Auditor that a sufficient number of bonds have been set aside to be sold as payments under the contract fall due, and from the proceeds of which sale the estimated expense of executing such contract may be paid, as certified by the board or officer making the same. This requirement shall not apply to work done, or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The Auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount of money or bonds so specified by the officer making the contract, and thereafter shall hold and retain such amount of money or bonds for the purpose of paying the expense incurred until the contract shall be fully performed. If bonds are withheld, arrangements shall be made prior to the Auditor's indorsement for the sale of such bonds in such amounts and at such periods of time as will enable the Treasurer to make payments in cash under such contract as such payments fall due and are approved. The Auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation or bonds set aside for his department.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919.)*

Tax Levy: When Made.

Sec. 11. On or before the third Monday in September of each year, the Supervisors shall levy the amount of taxes for City and County purposes required to be levied upon all property not exempt from taxation. The amount should be sufficient to provide for the payment during the fiscal year of all demands upon the treasury authorized to be paid out of the same; but such levy, exclusive of

the State taxes and the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of the City and County, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares and public grounds of the City and County, shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The Supervisors in making the levy shall apportion the taxes to the several funds.—*As amended March 16, 1915; approved by the Legislature April 1, 1915 (Statutes, 1915, page 1807).*

Apportionment of Revenue.

Sec. 12. In making the apportionment the Supervisors shall take into account and apportion to the several funds the income and revenue estimated to arise during the fiscal year from licenses, fees, and other sources, but the income to pay the interest on the bonded indebtedness and to provide for the sinking funds shall always be provided for out of the tax on property; *provided,* that whenever any bonded indebtedness shall have been incurred for the acquisition of any of the public utilities named in Article XII of this Charter, the surplus earnings of any such utility for the fiscal year may be applied upon the interest and sinking fund of the bonded indebtedness of such utility for the succeeding fiscal year.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 35).*

Limit of Taxation.

Sec. 13. The limitation in Section 11 of this Chapter upon the rate of taxes shall not apply in the case of any great necessity or emergency. In such case the limitation may be temporarily suspended and the rate of taxes be increased so as to enable the Supervisors to provide for such necessity or emergency. No increase shall be made to provide for such necessity or emergency in the rate of taxes authorized to be levied under Section 11 of this Chapter, unless such increase be authorized by ordinance passed by the unanimous vote of the Supervisors and approved by the Mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the Board.

Nor shall the limitation in Section 11 of this Chapter upon the rate of taxes apply in the case of taxes levied by ordinance passed by at least fifteen Supervisors and approved by the Mayor for any of the following purposes, to-wit: To meet the cost of elections, to pay any demands, salaries, expenses or other obligations imposed upon the City and County of San Francisco by a legislative or constitutional enactment of the State of California or of the United States; to meet any increase in demands, salaries, expenses or other obligations imposed upon the City and County of San Francisco by any measure hereafter passed by direct vote of the people of the City and County of San Francisco; to meet the expense or cost of schools or of the school department; to meet the cost of construction and repair of streets, sewers, or of buildings for the police,

fire, health or school departments or detention home; to meet the cost of maintaining public libraries and of purchasing books therefor.

Provided, however, that the limitation of Section 11 of this Chapter upon the rate of taxes shall not be exceeded in any one fiscal year by more than 65 cents on each one hundred dollars valuation of the property assessed except in the case of a great necessity or emergency hereinabove mentioned or except for the purpose of meeting the cost of elections, or paying any demands, salaries, expenses or other obligations imposed upon the City and County of San Francisco by legislative or constitutional enactment of the State of California or of the United States, or for the purpose of meeting any increase in demands, salaries, expenses or other obligations imposed upon the City and County of San Francisco by any measure hereafter passed by direct vote of the people of the City and County of San Francisco, or to meet the cost of maintaining public libraries and the purchase of books therefor. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law, or which cannot be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.—*As amended March 16, 1915; approved by the Legislature April 1, 1915 (Statutes, 1915, page 1807).*

Municipal Revenues and Bonds.

Sec. 14. The Supervisors shall fix the amount of municipal revenues and provide for the collection thereof. They shall from time to time provide for the payment of the interest and principal of the bonds for which the City and County is liable.

Disbursements.

Sec. 15. The Supervisors shall authorize the disbursement of all public moneys, except as otherwise specifically provided in this Charter.

Surplus Money to Surplus Fund.

Sec. 16. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands finally adjudicated, the Supervisors shall direct the Treasurer to transfer all surplus moneys to a fund to be called the Surplus Fund, except such surplus moneys as are in the several interest and sinking funds, in the Common School Fund, in the Park Fund, the Library Fund, the Police Relief and Pension Fund, in the Firemen's Relief and Pension Fund, and in such other funds the disposition of whose surplus moneys is in this Charter otherwise provided for.

Payment of Taxes May Be Postponed.

Sec. 17. The taxes levied for City and County purposes shall be payable at the times prescribed by general law and may be paid

in installments and shall become delinquent at the times and in the manner as provided by general law, but the Supervisors by an ordinance passed prior to the second Monday in October of any calendar year, may provide that the delinquent date of the first installment of such taxes for the then current fiscal year shall be postponed until the second Monday in January next, and when such an ordinance shall have been passed in any calendar year the first installment of taxes for the then current fiscal year shall not become delinquent until the second Monday in January next, and any notice published by the Tax Collector shall specify the delinquent date so postponed by ordinance of the Board of Supervisors. *—New section added by amendment March 16, 1915; approved by the Legislature April 1, 1915 (Statutes, 1915, page 1807).*

CHAPTER II.

THE SEVERAL FUNDS.

Separate Funds. No Division.

Section 1. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another or to use the same in payment of demands upon another fund. The provisions of this section shall not apply to fees paid into the treasury and placed temporarily to the credit of the Unappropriated Fee Fund under the provisions of Chapter III of this Article.

Designation of the Several Funds.

Sec. 2. The several funds in the treasury authorized by law at the time this Charter takes effect, or provided for by this Charter, shall continue therein so long as there shall be occasion therefor; and the moneys therein, or which may belong thereto, shall not be used for any purpose other than that for which the same were raised except as otherwise provided in this Charter.

The General Fund shall consist of moneys received into the treasury and not specially appropriated to any other fund.

The Park Fund shall consist of the moneys annually apportioned to said Fund by virtue of the tax provided for in this Charter for the maintenance, preservation and improvement of the parks, squares, avenues and public grounds of the City and County; of all moneys accruing from rents of buildings under the jurisdiction of the Park Commissioners; and of all moneys coming into the hands of said Commissioners whether from donations or otherwise. Out of said Fund shall be paid all the expenses of every kind for the preservation, maintenance and improvement of the parks, squares, avenues and public grounds of the City and County.

The Library Fund shall consist of the moneys annually apportioned to said Fund by virtue of the tax provided for in this Charter for the maintenance of Library and Reading Rooms, and the purchase of books therefor. Out of said Fund shall be paid all

the expenses necessary to the maintenance of such Library and Reading Rooms and the purchase of books therefor.

Surplus Fund and Purposes for Which It May Be Used.

Sec. 3. The Surplus Fund shall consist of the moneys remaining at the end of any fiscal year in any other funds (except the Common School Fund and the other funds by this Charter otherwise expressly provided for) after all valid demands, indebtedness and liabilities against said funds incurred within such fiscal year have been paid and discharged; *provided,* that all disputed or contested claims payable out of such funds have been finally adjudicated.

The Surplus Fund shall be used for the purposes and in the order following:

1. In payment of any final judgment against the City and County.

2. In liquidation and extinguishment, under such regulations as the Supervisors may adopt, of any outstanding funded debt of the City and County.

3. To be carried over and apportioned among the funds and used in the ensuing fiscal year as part of the income and revenue thereof.

Special Deposit Fund.

Sec. 4. The Special Deposit Fund shall consist of:

1. All moneys paid into court and deposited with the Treasurer by the County Clerk.

2. All moneys received by the Public Administrator and deposited by him with the Treasurer.

3. All moneys deposited with the Treasurer on special deposit.

The moneys in the Special Deposit Fund shall be paid out in the manner prescribed by law.

Funds to Be Carried Forward.

Sec. 5. Except as otherwise provided in this Charter, any moneys remaining at the end of the fiscal year in any interest and sinking fund or a fund provided by a special bond issue for a specific purpose, the Common School Fund, the Park Fund, the Library Fund, the Firemen's Relief and Pension Fund, Police Relief and Pension Fund, and the Public Building Fund shall be carried forward and apportioned to said respective funds for the ensuing fiscal year.

Payment of Unpaid Demands.

Sec. 6. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

Redemption of Outstanding Bonds.

Sec. 7. When there shall be to the credit of any sinking fund in the treasury a sum not less than twenty thousand dollars which may be applied to the redemption of any outstanding bonds to which such fund is applicable, which are not redeemable before their maturity, it shall be the duty of the Mayor, Auditor and Treasurer to advertise for thirty days, inviting proposals for the surrender and redemption of the bonds.

After such advertisement the money in such Sinking Fund, or such portion thereof as may be required therefor, shall be awarded to the person or persons offering to surrender said bonds for the lowest price. Upon such award, when duly audited, the Treasurer shall, upon the surrender of the bonds, pay the amount to the person or persons to whom the same was awarded. No bid for the surrender of any of the bonds shall be accepted which shall require a greater sum of money for their redemption than the then worth of the principal and interest of the bonds, calculated with interest, not exceeding four per centum per annum.

City May Purchase.

Section 7a. All franchises for street railways or franchises for railways crossing any street granted under this Charter shall be subject to the right of the City and County, upon the payment therefor of a fair valuation plus the bonus hereinafter mentioned to purchase and take over the tangible property and plant including leases of any real property necessary to such plant owned by the grantee of any franchise granted under this Charter, his or its successors or assigns and used in the exercise of such franchise. Such valuation shall not include any value of the franchise, or right of way through the streets or any earning power of such property. The valuation shall include as part of the costs of the plant, interest on actual investments during the period of construction prior to the commencement of operation. If the purchase be made within ten years from the time the franchise is granted, the City and County shall pay to the grantee, his or its successors or assigns, in addition to the amount of such valuation, a sum or bonus not less than ten per centum nor more than twenty per centum in the discretion of the arbitrators hereinafter provided for, of the actual cost of construction of the road and of the actual cost of all other tangible property owned by the grantee, his successors or assigns, in use, and usable for the purposes for which the franchise was granted. If the purchase be made more than ten years after the granting of the franchise then the said bonus shall be ten per cent. Such valuation shall be made and the proceedings therefor initiated upon call for same by ordinance passed by the Board of Supervisors or the electors. On the passage of such an ordinance the Mayor shall within thirty days appoint two arbitrators and forthwith notify the owner of said franchise of their appointment by written notice addressed as follows: "To the owner of the franchise for (inserting the name of the franchise)" and left at the office of the company operating or owning the said franchise; and call upon such owner

in such notice to appoint within thirty days two arbitrators and notify the Mayor of their appointment. Such arbitrators shall meet and appoint a fifth arbitrator and shall make the valuation provided for herein. In the event that such arbitrators shall be unable to agree on a fifth member within ten days from the date of the appointment of the last arbitrator so appointed, they shall request the Justices of the Supreme Court of California to name one of their number to act as such arbitrator. If the said Justices refuse, or fail for fifteen days, to appoint one of their number to serve as such fifth arbitrator, then each of the arbitrators theretofore appointed shall propose a person to serve as such fifth arbitrator. The names of the persons so proposed shall be written on slips, and at a time and place designated not less than twenty-four hours in advance by the Mayor, one slip shall be drawn by lot by the Mayor in open meeting, in the same manner that the names of jurors are drawn from the jury box, and the person whose name is so drawn shall be the fifth member of the Board of Arbitration. If the arbitrators for the owner of the franchise refuse or neglect for five days to propose such names the Mayor shall act as fifth arbitrator. The life of no franchise granted under this Charter shall extend beyond thirty days after such notice to the owner of the franchise shall have been served as above, unless he shall have appointed such two arbitrators within such period. If any arbitrator shall die, be declared incompetent, absent himself from the State or otherwise become unable to act on such board, the vacancy shall be filled in the manner in which he was originally appointed. Upon the filing of the decision of said arbitrators, the Board of Supervisors shall submit to the qualified voters in the manner provided for the acquisition of any public utility, the acquisition of said franchise, plant and property and the issuance of bonds for payment therefor. If two-thirds of the electors voting on the proposition shall approve the same, then and not otherwise, the amount of the valuation so determined and any bonus payable hereunder, shall be paid to the owner of said franchise and railroad as soon as said bonds are sold and the property and plant shall become the property of the City and County. Such bonds may, with the consent of the owner and at the discretion of the Board of Supervisors, be taken at not less than par by the said owner in payment for said utility. The Mayor shall tender such moneys or the said bonds to said owner and unless within ten days thereafter he shall accept the same, and transfer said property to the City and County, the said franchise shall thereupon expire and all liability of said City and County to pay the above money or bonds or any sum whatsoever for such properties shall cease. Upon the acceptance of such money or bonds, the said franchise shall be extinguished.

Wages and Hours of Employees.

Sec. 7b. Every franchise shall provide that employees of the person or company or corporation operating a street railroad shall be paid not less than $3 a day and that eight hours shall be the maximum hours of labor in any calendar day, the same to be

completed within ten hours. *Provided*, that nothing in this section shall be construed to prohibit overtime employment, wages for such employment to be paid at one and one-half times the said rate of wages proportionate to each hour of such extra service.

Penalties.

Sec. 7c. Failure to comply with any of the conditions prescribed by this Charter, or any other lawful conditions which may be inserted in the grant of franchise, shall work an immediate forfeiture of the franchise and the road and track constructed thereunder. There shall be no power in the Board of Supervisors to relieve from such forfeiture or from any such condition.—*Sections 7a, 7b and 7c added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

[NOTE—Sections 7a, 7b and 7c were probably intended as amendments to Chapter II, Article II, but the petition calling for their submission expressly stated that they were to be added to Chapter II of Article III.]

CHAPTER III.

THE CUSTODY OF PUBLIC MONEYS.

All Moneys to Be Paid Into the Treasury. Disbursement.

Section 1. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the City and County, or any department thereof, in his official capacity, for the performance of any official duty, and all moneys accruing to the City and County from any source, and all moneys directed by law or this Charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury. No officer or person other than the Treasurer shall pay out or disburse such moneys, or any part thereof, upon any allowance, claim or demand.

No Fees Allowed to Salaried Officers or Employees.

Sec. 2. Salaried officers shall not receive nor accept any fee, payment, or compensation, directly or indirectly, for any services performed by them in their official capacity, nor any fee, payment, or compensation, for any official service performed by any of their deputies, clerks, or employees, whether performed during or after official business hours. No deputy, clerk, or employee of such officers shall receive or accept any fee, compensation or payment, other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

All Fees to Be Paid to Treasurer.

Sec. 3. Every fee, commission, percentage, allowance, or other compensation authorized by law to be charged, received, or collected by any officer for any official service, must be paid by the officer receiving the same to the Treasurer in the manner herein provided.

Daily Delivery of Fees to Treasurer.

Sec. 4. It shall be the duty of every officer authorized by law to charge, receive or collect any fee, commission, percentage, allowance, or compensation for the performance of any official service or duty of any kind or nature, or rendered in any official capacity, or by reason of any official duty or employment, to deliver the same to the Treasurer at the expiration of each business day. The Treasurer shall thereupon deliver to such officer a receipt for the money so paid, which shall show the amount of money received, the day and hour when paid, the name of the officer paying the same, the nature of the service performed, and the name and official designation of the person by whom the service was performed; and like entries shall be made upon the stub of such receipt, which shall be kept by the Treasurer. The Treasurer shall place all such moneys in a fund to be designated the "Unapportioned Fee Fund," which is hereby created, and shall keep such fund as other funds in the treasury are kept, and shall be liable on his official bond for all money so received.

Official Receipts.

Sec. 5. The Auditor or other proper officer must prepare and deliver from time to time to the Treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, for the performance of any official service or duty, as many official receipts as may be required, charging therewith the Treasurer or other officer receiving them. Such official receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the Auditor or other proper officer, in whose custody they shall remain thereafter.

Treasurer's Receipts.

Sec. 6. When a receipt, as herein provided, is issued by the Treasurer, he must state therein the date of payment, the name of the person making the payment, the amount of such payment, the nature of the service for which the charge is made, and the name and official designation of the officer performing the service, and shall make corresponding entries on the stub of each receipt.

Receipts of Other Officers.

Sec. 7. When any receipt is issued by any officer other than the Treasurer as herein provided, he shall state therein the day and hour of the delivery to him of the Treasurer's receipt, the nature of the service therein described, and the amount charged therefor, and the name of the person by whom such receipt is delivered to him, and shall make corresponding entries on the stub to which such receipt is attached.

Treasurer's Monthly Report.

Sec. 8. On the first day of each month the Treasurer must make to the Auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the Auditor, the Treasurer shall exhibit to the Auditor all official receipts received by him during the previous month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

Monthly Reports and Exhibits of Officers.

Sec. 9. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make to the Auditor a report under oath of all official receipts issued by him during the preceding month, showing the date and number of each receipt, to whom issued, the nature of the service for which the charge was made, and the amount of such charge; and must at the same time or oftener, if required, exhibit to the Auditor, or other proper officer, all the Treasurer's receipts deposited with him during the preceding month, and all receipts remaining in his hands, unused or not issued, at the close of business on the last day of each preceding month.

Settlement of Accounts.

Sec. 10. Upon receiving the reports prescribed by sections eight and nine of this Chapter, the Auditor shall examine and settle the accounts of each officer, and apportion such moneys to the fund or funds to which they are appropriated by law, and certify such apportionment to the Treasurer, who shall thereupon transfer from the "Unapportioned Fee Fund" the amounts so certified, and credit each fund entitled thereto with the proper amount so apportioned.

Mileage. Monthly Statements.

Sec. 11. Every officer who is by law allowed to charge and collect mileage for the service of process, or other like service, shall at the end of each month prepare and deliver to the Auditor a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer who made the service, the number of miles actually traveled in making such service, the exact day when such service was made, and between what hours of the day, and such statement shall be verified by the oath of such officer. The Auditor shall examine such statement, and issue his warrant upon the Treasurer for such amount of money as will reimburse such officer for his lawful expenses in making such service. Such warrant shall be paid by the Treasurer, without further approval, out of the "Unapportioned Fee Fund." No extra mileage shall be charged or allowed for service

of two or more processes served on the same trip by the same deputy or deputies, except for extra mileage actually traveled in serving additional process. All mileage charged in violation of this section shall be disallowed by the Auditor, and all amounts disallowed for any reason shall be apportioned as other moneys in the "Unapportioned Fee Fund."

Employment of Extra Assistants.

Sec. 12. When an officer, legally authorized to employ a person other than one of his deputies or assistants at a stated compensation fixed by law, has employed such person, and in pursuance of such employment such person has rendered the service for which he was employed, such officer shall, at the end of each month, prepare and deliver to the Auditor a statement verified by the oath of such officer, showing the case or instance in which such service was performed, for whom performed, the name of the person so employed, by whom the service was performed, the amount of the charge therefor, the time actually employed in performing such service, and the dates of the beginning and ending of the period during which such person was so employed. The Auditor shall thereupon examine such statement, and if he finds the same correct, he shall audit and allow the verified demand of such person so employed and performing the service for the sum or sums so earned by him for such service, and the Treasurer shall pay such demand so audited and allowed, without further approval, out of the "Unapportioned Fee Fund."

Allowance of Salaries Fixed by Law. Demands Against Common School Fund.

Sec. 13. The demand of the Auditor for his monthly salary shall be audited and allowed by the Mayor. All other demands on account of salaries fixed by law, ordinance, or this Charter, and made payable out of the treasury, may be allowed by the Auditor without any previous approval. All demands payable out of the Common School Fund must, before they can be allowed or paid, be previously approved by the Board of Education. Demands payable out of the treasury for salaries, wages, or compensation of deputies, clerks, assistants, or employees, in any office or department, must, before they can be audited or paid, be first approved in writing by the officer, board, department or authority under whom, or in which, such demand originated. All other demands payable out of any funds in the treasury, must, before they can be allowed by the Auditor, or recognized, or paid, be first approved by the department, board or officer, in which the same has originated, and in all such cases must be approved by the Supervisors.

Every demand against the City and County shall, in addition to the other entries and indorsements upon the same required by this Charter, show: 1. The ordinance or authorization under which the same was allowed. 2. The name of the board, department or authority authorizing the same. 3. The fiscal year within

which the indebtedness was incurred. 4. The appropriation provided to meet the demand. 5. The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred, and shall refer to Chapter II of this Article, and be numbered with reference to the fund out of which it is payable.

Sec. 14. Whenever any person has, or has received, moneys or other personal property belonging to the City and County, or has been intrusted with the collection, management or disbursement of any moneys, bonds, or interest accruing therefrom, belonging to or held in trust by the City and County, and fails to render an account thereof to, and make settlement with, the Treasurer within the time prescribed by law; or, when no particular time is specified, fails to render such account and make such settlement, or who fails to pay into the treasury any moneys belonging to the City and County upon being required to do so by the Auditor, within twenty days after such requisition, the Auditor must state an account with such person, charging twenty-five per centum damages, and interest at the rate of ten per centum per annum from the time of such failure.

A copy of such account in any suit therein is prima facie evidence of the things therein stated. In case the Auditor cannot for want of information state an account, he may in any action brought by him aver that fact, and allege generally the amount of money or other property which is due to or which belongs to the City and County. The City Attorney must prosecute all actions that may be brought under this section within ten days after notification by the Auditor.

CHAPTER IV.

PAYMENT OF CLAIMS.

Monthly Payment of Salaries. Limitation Upon Demands. Revival of Claims.

Section 1. The salaries and compensation of all officers, including policemen and employees of all classes, and all teachers in the public schools, and others employed at fixed wages, shall be payable monthly. Any demand upon the treasury accruing under this Charter shall not be paid, but shall be forever barred by limitation of time, unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or, if it be a demand which must be passed and approved by the Supervisors or Board of Education, or by any other Board, then within one month after the first regular meeting of the proper Board held next after the demand accrued; or, unless the Supervisors shall, within six months after the demand accrued as aforesaid, on a careful examination of the facts, resolve that the same is in all respects just and legal, and the presenta-

tion of it, as above required, was not in the power either of the original party interested or his agent, or the present holder, in which case they may by ordinance revive such claim; but it shall be barred in the same manner unless presented for payment within twenty days thereafter. No valid demand arising subsequent to the claim which may be revived as aforesaid shall be rendered invalid by reason of such revival exhausting the fund out of which subsequent claims might otherwise be paid. Such revived claim shall take rank as of the day of its revival.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

CHAPTER I.

THE MAYOR.

Qualifications. Term. Salary. Appointees in His Office. Salaries.

Section 1. The chief executive officer of the City and County shall be designated the Mayor. He shall be an elector of the City and County at the time of his election, and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two* years. He shall receive an annual salary of six thousand dollars. He may appoint a Secretary, who shall receive an annual salary of twenty-four hundred dollars; an usher, who shall receive an annual salary of nine hundred dollars; and a stenographer and type-writer, who shall receive an annual salary of nine hundred dollars. All of said appointees shall hold their positions at the pleasure of the Mayor.

Mayor's Duties.

Sec. 2. The Mayor shall vigilantly observe the official conduct of all public officers and the manner in which they execute their duties and fulfill their obligations. The books, records and official papers of all departments, officers and persons in the employ of the City and County shall at all times be open to his inspection and examination. He shall take special care that the books and records of all departments, boards, officers and persons are kept in legal and proper form. When any official defalcation or wilful neglect of duty or official misconduct shall come to his knowledge, he shall suspend the delinquent officer or person from office pending an official investigation.

The Mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to public interest. He shall see that the laws of the State and ordinances of the City and County are observed and enforced. He shall have a general supervision over all the departments and public institutions of the City and County, and see that they are honestly, economically and lawfully conducted, and shall have the right to attend the meetings of any of the Boards provided for in this Charter, and offer suggestions at such meetings. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he may use and command the police force. If such police force is insufficient, he shall call upon the Governor for military aid in the manner provided by law, so that such riots or tumults may be promptly and effectually suppressed.

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*Term made four years: Section 38a, Article XVI.

Execution of Public Contracts and Agreements. Actions to Annul Forfeited Franchises. Postpone Franchises.

Sec. 3. The Mayor shall see that all contracts and agreements with the City and County are faithfully kept and fully performed. It shall be the duty of every officer and person in the employ or service of the City and County, when it shall come to his knowledge that any contract or agreement with the City and County, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter. A willful failure to do so shall be cause for the removal of such officer or employee. The Mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, and such certificate shall be evidence in exoneration from a charge of neglect of duty.

The Mayor must institute such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City and County to any person, company or corporation which have been forfeited in whole or in part or which for any reason are illegal and void and not binding upon the City. The City Attorney, on demand of the Mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

The Mayor shall have power to postpone final action on any franchise that may be passed by the Supervisors until such proposed franchise shall be ratified or rejected by a majority of the votes cast on the question at the next election.

Offices and Vacancies Not Provided in Charter.

Sec. 4. The Mayor shall appoint all officers of the City and County whose election or appointment is not otherwise specially provided for in this Charter or by law. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by law for filling the same, the Mayor shall appoint a suitable person to fill such vacancy, who shall hold office for the remainder of the unexpired term.

Ex-Officio President of Supervisors.

Sec. 5. The Mayor shall be President of the Board of Supervisors by virtue of his office. He may call extra sessions of the Board, and shall communicate to them in writing the objects for which they have been convened; and their acts at such sessions shall be confined to such objects.

President Pro Tem. Vacancy in Mayoralty.

Sec. 6. When and so long as the Mayor is temporarily unable to perform his duties, a member of the Board shall be chosen President pro tempore, who shall act as such Mayor. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Supervisors.

CHAPTER II.

THE AUDITOR.

Qualifications. Term. Salary. Duties.

Section 1. The head of the Finance Department of the City and County shall be designated the Auditor. He shall be an elector of the City and County at the time of his election and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two* years. He shall receive an annual salary of four thousand dollars. The Auditor must always know the exact condition of the treasury and every demand upon it. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the City and County, and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the City and County, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof, upon demand of the Mayor, the Supervisors, or any committee or members thereof.

Appointees. Qualifications. Salaries.

Sec. 2. The Auditor shall appoint a Deputy Auditor, who shall possess the qualifications required of the Auditor, and who shall receive an annual salary of twenty-four hundred dollars. The Auditor may also appoint two assistant deputies, who shall each receive an annual salary of fifteen hundred dollars, and two clerks, who shall each receive an annual salary of twelve hundred dollars. He may employ such number of extra clerks during the time their services may be necessary for the lawful discharge of his official duties, as the Board of Supervisors may designate. Such extra clerks shall each receive a salary not to exceed one hundred dollars a month for the time they shall be actually employed. The Auditor shall be allowed to expend not exceeding eighteen hundred dollars a year for counsel and attorney's fees.

Demands Must Be Audited.

Sec. 3. The Auditor shall keep an account of all moneys paid into and out of the treasury, and the Treasurer shall pay no money out of the treasury except upon demand approved by the Auditor. Any ordinance or law providing for the payment of any demand out of the treasury or any fund thereof (whether from public funds or from private funds deposited therein) shall always be construed as requiring the auditing of such demand by the Auditor before the same be paid.

Demands to Be Numbered and Recorded.

Sec. 4. He shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and, if previously

*Term made four years: Section 38a, Article XVI.

approved or allowed, by what officer, department or board it has been so approved or allowed. It shall be misconduct in office for the Auditor to deliver a demand with his official approval until this requirement shall have been complied with.

Approval of Demands.

Sec. 5. The Auditor shall approve no demand unless the same has been allowed by every officer, board, department and committee required to act thereon.

Auditor Must Deduct Debits from Demands.

Sec. 6. No demand shall be allowed by the Auditor in favor of any corporation or person in any manner indebted to the City and County, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance, or the regulations of the Supervisors; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, nor in favor of any officer or employee for the time he shall have absented himself without legal cause from the duties of his office during office hours. The Auditor must always examine on oath any person receiving a salary from the City and County touching such absence.

The Auditor may require any person presenting for settlement an account or claim for any cause against the City and County to be sworn before him touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justice of such account or claim. Moneys placed in the Special Deposit Fund shall not be subject to the provisions of this section.

Demands Must Be Indorsed by Auditor.

Sec. 7. Every demand upon the Treasurer, except the salary of the Auditor, must before it can be paid, be presented to the Auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable and out of what fund it is payable. If he allow it, he shall endorse upon it the word "Allowed," with the name of the fund out of which it is payable, and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, date and amount composing it, and refer by chapter and section to the provisions of this Charter authorizing the same.

Register of Warrants.

Sec. 8. The Auditor shall keep a register of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what service, the appropriation applicable to the payment thereof, when the liability accrued, and a receipt from the

person to whom the warrant is delivered. He shall not allow any demand out of its order, nor give priority to one demand over another drawn upon the same specified fund, except for the purpose of determining its legality.

Payments for Work Outside of City.

Sec. 9. The Supervisors may by ordinance authorize and provide for the payment through the agency of any regularly licensed bank in the State of California of wages, salaries or compensation due to any person or persons engaged on public work of the City and County outside of the limits thereof. In such cases, payrolls covering such wages, salaries or compensation must be first approved by the board or officer in charge of such outside work and forwarded to the Auditor for his audit and approval. After approving the same he shall, if so directed by such ordinance, draw his warrant for the gross amount of said payroll as approved in favor of such bank, and the Treasurer shall upon receipt of such warrant pay the amount thereof over to said bank for distribution to the persons entitled to the same in such manner as may by said ordinance be provided.—*New section added by amendment November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

CHAPTER III.

THE TREASURER.

Qualifications. Term. Salary. Appointees. Salaries.

Section 1. There shall be a Treasurer of the City and County, who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such time. He shall be elected by the people, and hold his office for two* years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars, two assistant deputies, who shall each receive an annual salary of eighteen hundred dollars, and one clerk, who shall receive an annual salary of twelve hundred dollars.

Duties of Treasurer. Deposit of Public Funds and Procedure Therefor.

Sec. 2. The Treasurer shall receive and safely keep all moneys which shall be paid into the treasury. Except as hereinafter provided, he shall not lend, exchange, use nor deposit the same, or any part thereof, to or with any bank, banker or person; nor pay out any part of such moneys, nor allow the same to pass out of his personal custody, except upon demands authorized by law or this Charter, and after they shall have been approved by the Auditor. At the close of business each day, he shall take an account of and enter in the proper book the exact amount of money on hand. At the end of every month he shall make out and file with the Mayor and publish quarterly in the official newspaper a statement of the

*Term made four years: Section 38a, Article XVI.

condition of the treasury, showing the amounts of receipts into and payments from the treasury, and on what account, and out of what fund. If he violate any of the provisions of this section, he shall be guilty of misconduct in office, and be liable to removal therefrom, and be proceeded against accordingly. He shall keep the accounts belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another. He shall be in personal attendance at his office each day during office hours. No fees of any kind shall be retained by him, but the same, from whatever source received or derived, shall be paid by him into the treasury.

All moneys paid into the treasury of the City and County may be deposited by the Treasurer, upon the written consent of the Mayor, the Auditor and the Chairman of the Finance Committee of the Board of Supervisors, in any licensed national bank or banks within this State, or in any bank, banks, or corporations authorized and licensed to do a banking business and organized under the laws of this State, provided that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States or of this State, or of any county, municipality or school district within this State, approved by the Treasurer and the City Attorney. The market value of the bonds furnished as security shall be at least 10 per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. And provided that such bank or banks shall pay a reasonable rate of interest, not less than 2 per cent per annum, on the daily balances therein deposited.

The rate of interest shall be fixed annually as herein provided in the month of January of each year on all deposits to be made for such year; provided that the rate of interest for the year ending December 31st, 1907, may be fixed as herein provided within ten days after this section goes into effect. The rate of interest shall be fixed by the Treasurer, the Auditor and the Mayor, and the same reported in writing to the Board of Supervisors immediately. Said rate of interest shall be a reasonable rate and not less than 2 per cent per annum on the daily balances deposited; and the rate of interest so established for each year as herein provided, shall be the uniform rate of interest required from all banks receiving deposits from the City and County for that year. Interest on all moneys deposited as herein provided for shall belong to the City and County and shall be paid quarterly into the general fund of the City and County except where the law or this Charter otherwise directs.

It shall be the duty of the Treasurer to receive from the bank in which the deposit is made, a receipt or receipts in duplicate, showing the date and amount of deposit and rate of interest to be paid thereon, one copy of which said Treasurer shall keep on file in his office and he shall file one copy with the Auditor.

The Treasurer shall keep a record in his office, which shall be open to public inspection, showing at all times the amount of money on deposit in all banks in which the same is deposited, and dates of deposit; also a record of all banks making application for the deposit of the public funds.

The total amount of public moneys on deposit in any bank shall not at any time exceed 50 per cent of the paid-up capital stock of such depository bank or banks. The Treasurer shall not have on deposit at any one time more than 10 per cent of the public moneys under his control and available for deposit in any bank while there are other qualified banks requesting such deposits; provided, that the Treasurer shall not be required to deposit public moneys in any bank outside the City and County.

The receipt issued by any bank for deposits made therein, together with the bonds held as security therefor, shall be held by the Treasurer and be recognized and counted as cash to the amount recited in the receipt by the officers required by law to count the same.

Deposits, with interest thereon, shall be subject to withdrawal on demand of the Treasurer, conjointly with that of the Mayor, and any bank receiving the deposit of public moneys, may, at any time, return the same to the Treasurer, together with interest to date of return and it shall be the duty of the Treasurer, upon receiving the return of such deposit, to immediately return to such bank all bonds held as security for the deposit returned. When the Treasurer withdraws his deposit, he shall return, on the demand of the bank, such bonds as were held as security for the deposit or portion thereof withdrawn.

Should any bank fail to pay any public moneys held on deposit as herein provided, the Treasurer (with the written consent of the Mayor) may, after ten days written notice to such bank, proceed to sell at public or private sale such of the bonds held by him as security as he may see fit; provided, however, that he shall sell no bonds for less than their face value except at public sale, after ten days printed notice in the official newspaper. The proceeds of such sale, after paying all expenses, shall be credited to the account of the bank which deposits the bonds as collateral. Any bank failing to make payment may, at any time before the sale of the bonds is completed, stop such sale by repaying all the moneys deposited with it, together with any expense that may have been incurred by the Treasurer as the result of such failure. Should the proceeds of any such sale fail to fully repay any deposit, the balance remaining unpaid may be collected in an action at law in the name of the City and County.

The Treasurer shall not be responsible for any loss of public moneys resulting from the deposit thereof when made in accordance with the provisions of this act. It shall be the duty of the Treasurer to safely keep all evidence of indebtedness issued by banks for deposits made therein and bonds deposited as security and the Treasurer shall be responsible for such evidence of in-

debtedness and for bonds held as security therefor, together with the interest thereon and the proceeds of any sale of such bonds; and the Treasurer shall be responsible to such bank for the safe return of the securities furnished by it to the Treasurer.

The expense of transportation of moneys to or from the treasury to such depositaries shall be borne by such depositaries.

Nothing in this section contained shall prevent the City and County from buying bonds or otherwise investing its money in any manner now provided by law or this Charter and nothing herein contained as to the disposition of interest and public moneys deposited shall apply to any money received or held by the City and County wherein any law or this Charter provides for the payment of interest or profit thereon into any particular fund.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Joint Custody Safe. Auditor and Treasurer Joint Custodians.

Sec. 3. For the better security of the moneys in the treasury, there shall be provided a joint custody safe in which shall be kept the moneys of the City and County. Said safe shall have two combination locks, neither one of which alone will open the safe. The Treasurer shall have the knowledge of one combination and the Auditor of the other. The Auditor shall be joint custodian with the Treasurer of all funds in the joint custody safe; but shall have no control over them except to open and close the safe in conjunction with the Treasurer, when requested to do so in his official capacity, and shall not be held responsible on his official bond for any shortage which may occur in the treasury.

The gold shall be kept in bags containing twenty thousand dollars each, and the silver in bags containing one thousand dollars each. To each bag shall be attached a tag showing the nature and amount of coin contained therein. Each bag shall be sealed with the seal of each custodian.

There shall be kept in the safe a joint custody book, showing the amount and description of all funds in the safe, and whenever any amounts are withdrawn, the Auditor and Treasurer shall make the proper entry in the joint custody book and initial the same. If on account of sickness or urgent necessity the Auditor is unavoidably absent the Deputy Auditor shall perform his duties. The estimated amount of money required daily for the payment of demands against the treasury shall be taken from the joint custody safe and kept in another safe; and the money therein shall be balanced daily at the close of business hours.

Original and Duplicate Receipts.

Sec. 4. The Treasurer, on receiving any money into the treasury, shall make out and sign two receipts for the money. Such receipts shall be alike, except upon the face of one of them shall appear the word "Original," and upon the face of the other shall appear the word "Duplicate." Such receipts shall be numbered and dated, and shall specify the amount, on what account and

from what person or officer received, and into what fund or on what account paid. The Treasurer shall enter upon the stubs of such receipts a memorandum of the contents thereof, and deliver the receipt marked "Original" to the person or officer paying such money into the treasury, and forthwith deliver the receipt marked "Duplicate" to the Auditor, who shall write upon its face the date of its delivery to him, and charge the Treasurer with the amount specified therein, and file the receipt in his office.

Demands Must Specify Items. Unauthorized Demands.

Sec. 5. No demand shall be paid by the Treasurer unless it specify each several item, date and amount composing it, and refer by title, date and section to the law, or ordinance or provision of this Charter authorizing the same; but the allowance or approval of the Auditor, or of the Supervisors, or of any department, board or officer, of any demand which is not authorized by law or this Charter, and which upon its face appears not to have been expressly made payable out of the funds to be charged therewith, shall afford no warrant to the Treasurer for paying the same.

Cancellation of Paid Demands. Register of Unpaid Demands.

Sec. 6. Every lawful demand upon the treasury, audited and allowed as in this Charter required, shall in all cases be paid upon presentation, if there be sufficient money in the treasury applicable to the payment of such demand, and on payment cancelled with a punch, cutting the word "Cancelled" therein, and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the Treasurer. Such register shall show the special number given by the Supervisors or other authority and also by the Auditor to each demand presented, also when presented, the date, amount, name of original holder, and on what account allowed and against what appropriation drawn and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand upon being so registered shall be returned to the party presenting it, with the endorsement of the word "Registered," and dated and signed by the Treasurer; but the registration of any demand shall not operate to recognize or make valid such demand if incurred contrary to any of the provisions of this Charter.

CHAPTER IV.

THE ASSESSOR.

Term, Salary, Appointees and Salaries.

Section 1. There shall be an Assessor of the City and County, who shall be an elector of the City and County at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for four years. He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for

all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of eighteen hundred dollars; six assistant deputies, who shall receive an annual salary of eighteen hundred dollars each; twenty-one clerks, who shall each receive an annual salary of twelve hundred dollars; and during four months of the year not more than one hundred clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 586).*

Duties.

Sec. 2. The Assessor shall assess all taxable property within the City and County at the time and in the manner prescribed by the general laws of the State.

CHAPTER V.

THE TAX COLLECTOR.

Qualifications. Term. Salary. Appointees. Salaries. Extra Clerks. Compensation.

Section 1. There shall be a Tax Collector of the City and County, who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two* years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint one chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of twenty-four hundred dollars; fifteen deputies, who shall each receive an annual salary of fifteen hundred dollars; and extra clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment, but the total amount of payment for such extra clerks shall not exceed thirty-six thousand dollars a year.

Tax Collector's Powers and Duties.

Sec. 2. The Tax Collector must collect all licenses which may at any time be required by law or ordinance to be collected within the City and County. He shall be charged with all taxes levied upon real and personal property within the City and County, upon the final settlement to be made by him according to law or this Charter. He shall pay into the treasury, without any deduction for commissions, fees or charges of any kind or on any account, the full amount of all taxes, assessments and moneys received by him and not previously paid over, including all moneys paid under protest, and money received for taxes paid more than once, and for street assessments. He shall also be charged with, and be debtor to the City and County for the full amount of all

*Term made four years: Section 38a, Article XVI.

taxes due upon the delinquent tax list delivered to him for collection, unless it appear to the satisfaction of the Supervisors expressed by resolution, that it was out of his power to collect the same by levy and sale of property liable to be seized and sold therefor.

City Attorney to Collect Delinquent Taxes.

Sec. 3. On request of the Assessor or the Tax Collector the City Attorney shall commence and prosecute actions for the collection of taxes.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Licenses in Charge of Tax Collector.

Sec. 4. He shall examine all persons liable to pay licenses, and see that licenses are taken out and paid for. In the performance of their official duties, he and his deputies shall have the same powers as police officers in serving process and in making arrests. He may demand the exhibition of any license for the current term from any person, firm or corporation engaged or employed in the transaction of any business for which a license is required; and if such person, firm or corporation shall refuse or neglect to exhibit such license, the same may be revoked forthwith by the Tax Collector.

Auditor to Sign Licenses. Monthly Statement of Licenses.

Sec. 5. The Auditor shall from time to time deliver to the Tax Collector such City and County licenses as may be required, and sign the same and charge them to the Tax Collector, specifying in the charge the amounts thereof named in such licenses respectively and the class of licenses, and take receipts therefor, and the Tax Collector shall sign and collect the same. The Tax Collector shall once in every month, and oftener when required by the Auditor, make to the Auditor a report under oath of all licenses sold and on hand, and of all amounts paid to the Treasurer, and shall also in that regard comply with the regulations which may be prescribed by the Supervisors. At the time of making such report, the Tax Collector shall exhibit to the Auditor all licenses on hand and the Treasurer's receipts for all moneys paid into the treasury.

CHAPTER VI.

THE CORONER.

Qualifications. Term. Salary. Duties. Morgue.

Section 1. There shall be a Coroner of the City and County who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such election. He shall be elected by the people and hold office for two* years. He shall receive an annual salary of four thousand dollars. He shall perform such duties as may be prescribed by law or ordinance. He shall have the control and

*Term made four years: Section 38a, Article XVI.

management of the Morgue of the City and County under such ordinances as the Supervisors may adopt.

Appointees. Salaries.

Sec. 2. He may appoint an autopsy physician who shall receive an annual salary of twenty-four hundred dollars; a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; three assistant deputies, who shall each receive an annual salary of fifteen hundred dollars; a stenographer and typewriter, who shall receive an annual salary of eighteen hundred dollars; and a messenger, who shall receive an annual salary of nine hundred dollars.

CHAPTER VII.

THE RECORDER.

Qualifications. Term. Salary. Appointees. Copyists. Compensation.

Section 1. There shall be a Recorder of the City and County who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such election. He shall be elected by the people and shall hold office for two* years. He shall receive an annual salary of four thousand dollars. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; five assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; nine clerks, who shall each receive an annual salary of fifteen hundred dollars; one machinist, who shall receive an annual salary of fifteen hundred dollars; one messenger, who shall receive an annual salary of twelve hundred dollars. He may also appoint as many copyists as he may deem necessary, who shall receive not more than six cents for each one hundred words actually written; but no copyist shall be paid a greater compensation at this rate than amounts in the aggregate to one hundred and twenty-five dollars a month.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Custodian of Public Records. Duties.

Sec. 2. The Recorder shall take into his custody and safely keep all books, records, maps and papers deposited in his office. Upon demand and payment of the fees prescribed therefor by law or by ordinance, he must furnish to any one applying therefor a copy of any such book, record, map or paper, certified under the hand and seal of his office. When any papers are presented for filing or recording, he or his deputies shall write on the margin of each paper so presented the number of folios, the amount paid for recording the same, and shall number consecutively all instruments and documents filed in his office. He shall also perform all other duties at the time and in the manner prescribed by the general laws of the State.

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*Term made four years: Section 38a, Article XVI.

ARTICLE IV-A.

DEPARTMENT OF WEIGHTS AND MEASURES.

SEALER OF WEIGHTS AND MEASURES AND DEPUTIES.

Section 1. The Sealer of Weights and Measures shall be appointed by the Board of Supervisors. The Sealer may appoint such deputies and employees as may be allowed him by Ordinance of the Board of Supervisors. The salaries of the Sealer, his deputies and employees shall be that as fixed by law. The Sealer and his deputies shall have all the powers conferred upon Sealers of Weights and Measures and their deputies by the general laws of the State and they shall perform all of the duties prescribed by such laws and such additional duties as may be prescribed by Ordinances of the Board of Supervisors.

Civil Service Provisions.

Sec. 2. The provisions of Article XIII of the Charter shall apply to the Sealer, his deputies and employees, and, for the purposes of said Article, the Board of Supervisors shall be deemed the appointing department as to the Sealer, and the Sealer the appointing officer as to his deputies and employees. Any person who has served as Sealer of Weights and Measures of the City and County of San Francisco for a continuous period of six months immediately prior to the approval of this amendment by the Legislature and who shall be actually serving as Sealer at the time of the approval of this amendment by the Legislature, and any person who has served as a deputy or employee of such Sealer for a like period and who shall be actually serving as such deputy or employee at the time of the approval of this amendment by the Legislature, are hereby declared to be appointed within the provisions of said Article XIII to the office or position in which he may be then serving and shall be entitled to all the benefits of said Article thereafter.

Subject to State Laws.

Sec. 3. Nothing in this Article contained shall be in anywise construed as curtailing or affecting the powers and jurisdiction of the State Superintendent of Weights and Measures over the Sealer of Weights and Measures of the City and County and his deputies as the same are now or may hereafter be conferred upon the State Superintendent of Weights and Measures by the general laws of the State.—*Article IV-A added by amendment November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

ARTICLE V.

LEGAL DEPARTMENT.

CHAPTER I.

THE SUPERIOR COURT JUDGES.

Court Interpreters.

Section 1. The Judges of the Superior Court of the City and County may appoint not to exceed five interpreters of foreign languages, who shall act as such interpreters in criminal actions and proceedings in all the courts in the City and County, and in examinations before Coroner's juries.

Court Stenographers. Compensation.

Sec. 2. The stenographers in the Criminal Departments of the Superior Court shall each receive an annual salary not exceeding twenty-four hundred dollars, which shall be in full compensation for all services, including transcription and all stationery used by them.

CHAPTER II.

THE CITY ATTORNEY.

Salary. Term. Qualifications.

Section 1. There shall be an Attorney and Counselor of the City and County, who shall be styled City Attorney, and who shall receive an annual salary of five thousand dollars. He shall be elected by the people and shall hold office for the period of two* years. He must be at the time of his election an elector of the City and County and qualified to practice in all the courts of this State, and he must have been so qualified for at least ten years next preceding his election, during five years of which he must have been an actual resident of the City and County. He shall devote his entire time and attention to the duties of his office.

Duties.

Sec. 2. He must prosecute and defend for the City and County all actions at law or in equity, and all special proceedings for or against the City and County; and whenever any cause of action at law or in equity or by special proceedings exists in favor of the City and County he shall commence the same when within his knowledge, and, if not within his knowledge, when directed to do so by resolution of the Supervisors. He shall give legal advice, in writing, to all officers, boards and commissions named in this Charter, when requested so to do by them, or either of them, in writing, upon questions arising in their separate departments involving the rights or liabilities of the City and County. He shall not settle or dismiss any litigation for or against the City and County under his control unless upon his written recommendation he is ordered to do so by the Mayor and Supervisors.

*Term made four years: Section 38a, Article XVI.

Records of City's Legal Proceedings.

Sec. 3. He shall keep on file in his office all written communications and opinions given by him to any officer, board or department; the briefs and transcripts used in causes wherein he appears; and bound books of record and registry of all actions or proceedings in his charge in which the City and County is interested.

Delivery of Records to Successor.

Sec. 4. He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession, belonging to his office, or to the City and County, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

Appointees. Assistants. Clerks. Salaries.

Sec. 5. The City Attorney may appoint four assistants, the first of whom shall receive an annual salary of thirty-six hundred dollars; the second an annual salary of three thousand dollars; the third an annual salary of twenty-four hundred dollars, and the fourth an annual salary of eighteen hundred dollars. He may also appoint a chief clerk, who shall receive an annual salary of eighteen hundred dollars; an assistant clerk, who shall receive an annual salary of nine hundred dollars; a stenographer and typewriter, who shall receive an annual salary of nine hundred dollars; and a messenger, who shall receive an annual salary of nine hundred dollars. An officer of the Police Department shall be permanently detailed by the Chief of Police for the purpose of doing the detective work necessary in preparing and prosecuting the litigation of the office, who shall continue to serve on such detail during the pleasure of the City Attorney. The assistants and the chief clerk must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified at least two years next preceding his appointment. The assistants, clerks, typewriter and messenger shall be appointed by the City Attorney, and shall hold their offices at his pleasure, and the specific duties of each shall be prescribed by him.

CHAPTER III.

THE DISTRICT ATTORNEY.

Term, Qualifications and Salary.

Section 1. The District Attorney shall be elected by the people and shall hold office for two* years. He shall be an elector of the City and County and must at the time of his election be qualified to practice in all the courts of this State, and must have been so qualified for at least five years next preceding his election. He shall receive an annual salary of five thousand dollars.

*Term made four years: Section 38a, Article XVI.

Powers and Duties.

Sec. 2. The District Attorney shall have all the powers conferred, and shall discharge all the duties imposed upon, the District Attorneys of counties by the general laws of this State, and in addition thereto shall attend, institute and conduct, on behalf of the people, all prosecutions cognizable in the Police Court of the City and County. He shall draw all complaints and warrants in said Police Court, prosecute all forfeited recognizances therein, and all actions for the recovery of fines, penalties, and forfeitures accruing to the City and County; deliver receipts for money or property received in his official capacity, and file duplicates therefor with the County Treasurer; file with the Auditor on the first Mondays of January, April, July and October in each year, an itemized statement under oath showing all moneys received by him in his official capacity during the preceding three months; keep a register of his official business in which must be entered a note of every action, whether criminal or civil, prosecuted officially by him, and of the proceedings therein; and give, when required, without fee, advice to the Board of Police Commissioners, the Chief of Police, the Board of Health and the Coroner, upon matters relating to the duties of their respective offices.

Appointees. Assistants. Salaries. Duties.

Sec. 3. He may appoint seven Assistant District Attorneys to aid him in the discharge of his official duties, three of whom shall act as prosecutors in the Superior Court, and shall each receive an annual salary of thirty-six hundred dollars, and four of whom shall act as the prosecuting attorneys of the Police Court, and shall each receive an annual salary of twenty-four hundred dollars. When any of the assistants of the District Attorney acting as such prosecuting attorneys in the Police Court are not actually engaged in work connected with prosecutions therein, they shall be at the call of the District Attorney for any service connected with his department. The assistants must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified for at least two years next preceding his appointment. The District Attorney may also appoint one chief clerk, who shall receive an annual salary of eighteen hundred dollars; one assistant clerk, who shall receive an annual salary of twelve hundred dollars; and one stenographer and typewriter, who shall receive an annual salary of nine hundred dollars.

To Purchase Property on Execution Sales.

Sec. 4. The District Attorney may, in the name of the City and County, bid for and purchase property at execution sales under judgments for the recovery of fines, penalties or forfeitures accruing to the City and County.

CHAPTER IV.

THE PUBLIC ADMINISTRATOR.

Powers and Duties. Allowed Fees for Compensation.

Section 1. The Public Administrator shall be elected by the people, and he shall hold office for two* years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the Public Administrators of counties by the general laws of this State, except as in this Charter otherwise specifically provided. He shall be entitled to all such fees as may be allowed by law to the Public Administrators of the counties of the State in full compensation for all his services.

CHAPTER V.

THE COUNTY CLERK.

Term. Powers and Duties. Clerk of Police Court. Salary.

Section 1. The County Clerk shall be elected by the people and shall hold office for two* years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the County Clerks of counties by the general laws of this State, and in addition thereto shall attend and act as Clerk of the Police Court, keep the dockets and registers thereof, and take charge of and safely keep all books, papers and records which may be filed or deposited in his office pertaining to the Police Court. He shall receive an annual salary of four thousand dollars.

Appointees. Salaries. Cashier. Courtroom Clerks. Register Clerks. Copyists. Police Court Clerks.

Sec. 2. To aid him in the discharge of his official duties, the County Clerk may appoint a Chief Register Clerk, who shall receive an annual salary of twenty-four hundred dollars; a Cashier, who shall receive an annual salary of eighteen hundred dollars; twelve Court Room Clerks for the Superior Court, who shall each receive an annual salary of fifteen hundred dollars; five Register Clerks, who shall each receive an annual salary of eighteen hundred dollars; ten Assistant Register Clerks, who shall each receive an annual salary of fifteen hundred dollars; sixteen copyists, who shall each receive an annual salary of twelve hundred dollars; and four Clerks for the Police Court, who shall each receive an annual salary of fifteen hundred dollars.

Copies of Papers. Charges.

Sec. 3. For copies of papers furnished and certified by him, he shall charge not more than eight cents for each one hundred words. For certifying copies, which are not prepared by him, he shall be entitled to charge twenty-five cents and also forty cents an hour for the time exceeding one hour necessarily occupied in comparing such copies. He must certify all papers presented to him which are copies of any document, paper or record, or portions thereof, in his custody.

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*Term made four years: Section 38a, Article XVI.

CHAPTER VI.

THE SHERIFF.

Term. Salary. Powers and Duties.

Section 1. The Sheriff shall be elected by the people, and he shall hold office for two* years. He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for all official services required of him by law; but said salary shall be exclusive of the compensation received by him from the State for the delivery of prisoners to the State prisons, and insane persons to the State asylums for the insane. He shall have all the powers conferred, and shall discharge all the duties imposed upon the Sheriffs of counties by the general laws of this State.

Appointees. Salaries.

Sec. 2. He may appoint the following deputies and employees, who shall each respectively receive the following annual salaries:

One Under Sheriff, twenty-four hundred dollars; one Attorney, eighteen hundred dollars; one Chief Bookkeeper, eighteen hundred dollars; two Assistant Bookkeepers, fifteen hundred dollars; ten Office Deputies, fifteen hundred dollars; fourteen Bailiffs, twelve hundred dollars; one Chief Jailer at Branch Jail Number One, eighteen hundred dollars; ten Jailers at Branch Jail Number One, twelve hundred dollars; one Superintendent of Branch Jails Numbers Two and Three, eighteen hundred dollars; sixteen Guards at Branch Jail Number Two, six hundred dollars; one Matron at Branch Jail Number Three, nine hundred dollars; six Guards at Branch Jail Number Three, six hundred dollars; one Commissary to act for all jails, fifteen hundred dollars; one Driver of Van, nine hundred dollars; and one Bookkeeper for all said Branch Jails, fifteen hundred dollars.

Duties of Deputies.

Sec. 3. The Sheriff may designate the services to be performed by his deputies.

CHAPTER VII.

THE JUSTICES' COURT.

Justices of the Peace. Salaries. Chief Clerk. Deputies.

Section 1. The Justices of the Peace shall each receive an annual salary of twenty-four hundred dollars, except the Presiding Justice, who shall receive an annual salary of twenty-seven hundred dollars. They shall appoint a Chief Clerk who shall hold office for two years, and receive an annual salary of twenty-four hundred dollars. The Chief Clerk may appoint five deputies, each of whom shall receive an annual salary of twelve hundred dollars.

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*Term made four years: Section 38a, Article XVI.

CHAPTER VIII.

THE POLICE COURT.

Four Judges. Term. Salary. Qualifications. Departments. Presiding Judge. Sessions of Court.

Section 1. There is hereby created and established in and for the City and County of San Francisco a Court to be known as the Police Court of the City and County of San Francisco. Said Court shall consist of four Judges, who shall be elected by the people and hold office for four years. They shall each receive an annual salary of thirty-six hundred dollars. They shall be electors of the City and County at the time of their election, and must have been such for at least five years next preceding such time. No person shall be eligible to the office of Judge of the Police Court who is not at the time of his election qualified to practice in all the Courts of this State, and who has not been so qualified for at least five years next preceding his election. The Court shall be divided into departments known at Department Number One, Department Number Two, Department Number Three, and Department Number Four. The Judges of such Court may hold as many sessions of the Court at the same time as there are Judges thereof. The Judges who shall be elected at the first election under this Charter shall so classify themselves by lot that two of them shall go out of office in two years and two of them in four years.

They shall choose from their number a Presiding Judge, who shall serve for one year. The Presiding Judge shall assign the Judges to their respective departments; but any of the Judges may preside in any of the departments in the absence or inability of the Judge regularly assigned thereto.

The judgments, orders and proceedings of any session of the Court held by any one or more of the Judges shall be equally effectual as if all the Judges had presided at such session.

Jurisdiction. Violation of Ordinances. Other Misdemeanors and Felonies. Powers in Criminal Actions.

Sec. 2. The Police Court of the City and County of San Francisco shall have:

First—Exclusive jurisdiction of all prosecutions for the violation of ordinances of the Board of Supervisors.

Second—Concurrent jurisdiction with the Superior Court of all other misdemeanors and of the examination of all felonies committed in the City and County.

Third—Said Court, or any Judge thereof, shall have the same powers in all criminal actions, cases, examinations and proceedings as are now or may hereafter be conferred by law upon Justices of the Peace.

Proceedings, How Conducted.

Sec. 3. Proceedings in said Court shall be conducted in accordance with the laws of this State regulating proceedings in Justices' and Police Courts and appeals to the Superior Court; and said Court or any Judge thereof shall have the same power in all criminal actions, cases and proceedings as are now or may be hereafter conferred by the general laws of this State upon Justices of the Peace; provided, that:

First—No case shall be dismissed or fine imposed until the testimony for the prosecution shall be taken.

Second—Any defendant who neglects to file his statement on appeal within ten days after sentence shall lose his right to appeal, unless good cause for the delay be shown by affidavit. Press of business on the part of defendant's attorney shall not be deemed good cause for delay. Unless the District Attorney shall file amendments to the proposed statement on appeal within five days after the same shall have been filed and served, the proposed statement on appeal shall be the statement on appeal. The Judge before whom the case was tried shall settle the statement on appeal within five days after the District Attorney shall have filed his amendments to the proposed statement.

Third—Any person who shall solicit or importune any of said Judges, either before or after judgment, to dismiss a case, or mitigate a sentence, unless the same be done in open court, shall be guilty of a contempt of court.

Fourth—A complaint may be demurred to on the ground that it does not set forth the offense charged with such particularities of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of, and the complaint may be amended by permission of the Court after a demurrer is sustained.

Fifth—A defendant in custody shall have the right to be tried before a defendant on bail, and felonies shall be heard before misdemeanors.

Sixth—The Judges of said Court shall try all cases as speedily as possible, and must refuse continuances after the first calling of a case for trial except upon affidavit showing good cause therefor.

Seventh—Other than lawfully authorized surety companies, no person shall be eligible to be a bondsman for any defendant on trial in the Police Court, or on appeal from a judgment therein, except he take an oath that the property specified in the undertaking is in the City and County of San Francisco, and that he is worth the amount specified, exclusive of property exempt from execution, and exclusive of all demands for which he may become liable by reason of the forfeiture of any appeal or bail bonds for which he is surety.

District Attorney Must Attend.

Sec. 4. The District Attorney, either in person or by his Assistants, must be present at the session of the Court and attend to the prosecution of all cases coming before it, and make out all complaints and warrants for the arrest of persons charged with crime to be prosecuted in said Court.

Warrant and Bond Clerks. Salaries. Qualifications. Duties. Form of Bonds, Bail.

Sec. 5. The District Attorney shall appoint a Warrant and Bond Clerk who shall receive a salary of twenty-four hundred dollars a year, and three Assistant Warrant and Bond Clerks, each of whom shall receive a salary of fifteen hundred dollars a year. No person shall be appointed a Warrant and Bond Clerk who is not at the time of his appointment qualified to practice in all the Courts of this State. The Warrant and Bond Clerk shall keep his office open continuously night and day for the transaction of business; shall draw complaints in actions in the Police Court, and approve the same with his written signature; shall have the custody of all bail bonds and appeal bonds taken in the Police Court; shall examine the sufficiency of every bail bond and appeal bond taken in the Police Court and make a return thereon, within forty-eight hours after such bond shall have come into his possession, in the following form:

"I, ..., Warrant and Bond Clerk of the City and County of San Francisco, have examined the within bond and find it good in law. I have examined the record of the City and County of San Francisco, and find the property, its owners and incumbrances herein described, to be correct according to said records. (Signed ....., Warrant and Bond Clerk)."

The Warrant and Bond Clerk shall endorse upon the bond the time when it was issued by him, or when it came into his possession. He may issue bail bonds and appeal bonds when the liability thereof does not exceed two thousand dollars, and order the discharge from custody of the persons for whom the bonds are issued; and he may take cash bail to the extent in any one case of one thousand dollars. He must account for and pay to the Treasurer all moneys received as bail in the manner that the County Clerk is required by law to account for and pay moneys received as fees. No Clerk of the Police Court shall ever take bail or order the release of any one charged with an offense.

Fixing Bail.

Sec. 6. In the matter of fixing bail and ordering the release of prisoners the Warrant and Bond Clerk shall be subject to the Judges of the Police Court, and any violation of a valid order of any of said Judges shall be a contempt of Court.

Office Always Open.

Sec. 7. For any failure to keep the office of the Warrant and Bond Clerk open continuously he shall be immediately removed from office by the District Attorney or by the Mayor.

Who May Accept Bail.

Sec. 8. It shall be a misdemeanor for any person other than a Judge of some Court in the City and County, or other than said Warrant and Bond Clerk, to receive bail money for defendants or to order their discharge.

Service of Papers.

Sec. 9. All demurrers to complaints, notices of motion, statements and bills of exception on appeal to the Superior Court, must be served upon the Assistant District Attorney acting in the Department of the Court in which the case is set for hearing, or heard or tried.

Clerk of Police Court. Duties.

Sec. 10. The County Clerk shall be the Clerk of the Police Court, and he must be present either in person or by deputy at all sessions of the Court in the departments thereof; call the daily calendar of the departments, and keep full and complete records of all cases in the Court and the disposition made thereof by the Court.

Stenographers. Duties.

Sec. 11. The Police Judges may appoint not more than two competent stenographers who shall attend the sessions of the Court and take notes of all preliminary examinations made at the sessions, and transcribe into type-written long hand all evidence taken by either of them where the parties charged have been held for trial, and deliver one copy of the same to the Clerk and one copy to the District Attorney. Each of such stenographers shall be paid for all his services, including transcription and all stationery used by him, an annual salary of twenty-four hundred dollars.

Justices May Act.

Sec. 12. The Mayor may in writing appoint any Justice of the Peace to act as Judge of the Police Court, or any department thereof, during the temporary absence or inability of the Judge to act.

Chief of Police to Furnish Daily Calendar of Arrests.

Sec. 13. The Chief of Police shall cause to be made out and delivered to each of the Clerks of the Court at or before nine o'clock in the forenoon of each day a calendar of arrests in which the cases shall have been assigned to the departments of the Court in accordance with the rules and regulations established by the Police Judges. The calendar shall state "the offense charged"; whether the defendant is "in custody" or "on bail"; "the amount of bail"; "whether cash or bond," and "the name of the arresting officer."

Bailiffs in Court.

Sec. 14. The Chief of Police shall appoint one or more Police Officers to attend the sessions of the Police Court in each department thereof to preserve order and execute the orders of the Court.

Rules.

Sec. 15. The Police Judges shall adopt all necessary rules and regulations for conducting the business of the Court.

Attorneys' Qualifications.

Sec. 16. No attorney shall appear in said Court to prosecute or defend persons charged with offenses unless at the time of his appearance he be qualified to practice law in all the courts of this State.

Police Judges. Term of Those Elected in 1898.

Sec. 17. The term of office of the Police Judges elected at the general election held in the year eighteen hundred and ninety-eight shall terminate at the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and they shall at said time be succeeded by the Police Judges provided for in this Chapter; and all proceedings pending in said Court shall be transferred to the Police Court created under this Charter, and the Judges elected as herein provided shall have and obtain jurisdiction of the same.

CHAPTER IX.

THE SAN FRANCISCO LAW LIBRARY.

Rooms. Act of the Legislature.

Section 1. The Supervisors must provide, fit up and furnish, with fuel, lights, stationery, and all necessary conveniences, attendants and care, rooms convenient and accessible to the judges and officers of the courts and of the municipal government sufficient for the use and accommodation of the San Francisco Law Library, established under an Act of the Legislature of this State entitled: "An Act to provide for increasing the Law Library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government and the People of the City and County of San Francisco," approved March 9th, 1870. The Supervisors must appropriate, allow and order paid out of the proper fund such sums as may be necessary for the purposes aforesaid; and all sums lawfully appropriated and expended pursuant hereto shall be paid out of the proper fund on demands duly audited, in the mode prescribed by this Charter for auditing other demands upon the treasury. The County Clerk must pay monthly to the Treasurer of the San Francisco Law Library such moneys as he shall collect under the Act referred to for the benefit of said Law Library.

ARTICLE VI.

DEPARTMENT OF PUBLIC WORKS.

CHAPTER I.

THE BOARD OF PUBLIC WORKS.

Board of Commissioners. Appointed by Mayor. Terms. Qualifications. Salary.

Section 1. There shall be a Department of Public Works under the management of three Commissioners who shall constitute the Board of Public Works, and who shall give all their time during official business hours to the duties of their office. The members of said Board shall be appointed by the Mayor. Of those first appointed he shall appoint one for one year, one for two years, and one for three years. Each year thereafter he shall appoint for three years one person as the successor of the Commissioner whose term of office expires in that year. All such appointments shall be so made that not more than one member shall at any one time belong to the same political party. No person shall be eligible for appointment as such Commissioner unless he is, and has been for at least five years next preceding his appointment, an elector of the City and County. Each of said Commissioners shall receive an annual salary of four thousand dollars.

President of the Board. Term.

Sec. 2. Of the Commissioners first appointed under this Charter, one shall be designated by the Mayor to serve as President for one year. All subsequent Presidents of the Board shall be elected by the members thereof for terms to be fixed by said Board. The President of the Board shall in each case hold office until his successor has been elected or until his membership on the Board expires.

Secretary of the Board. Salary. Employees. Compensation.

Sec. 3. The Board may appoint a Secretary who shall receive an annual salary of eighteen hundred dollars. The Board may employ such clerks, superintendents, inspectors, engineers, surveyors, deputies, architects and workmen as shall be necessary to a proper discharge of their duties under this Article, and fix their compensation; but no compensation to any of said persons shall be greater than is paid in the case of similar employments.

Rules and Regulations.

Sec. 4. The Board shall establish all necessary rules and regulations for its government, and for the performance of its duties, and for the regulation and conduct of its officers and employees; and shall require adequate bonds from its officers and employees, except laborers, for the faithful performance of all their duties in such sums as may be fixed by the Supervisors. Said bonds shall be approved by the Mayor and shall be filed in the office of the Auditor.

Meetings. Place and Time.

Sec. 5. The Board shall hold regular meetings at least once each week at a place and time to be fixed by resolution entered on its minutes. No changes in place or time of regular meetings shall be made without a resolution passed at least two weeks before the time the change is to go into effect. Such special meetings may be held as the Commissioners may deem necessary after notice of the same has been posted ten hours before the time of holding any such meeting. All meetings shall be public. No business shall be transacted at an adjourned meeting except such as may have been under, or proposed for, consideration at the meeting from which the adjournment was had. No business shall be transacted at a special meeting except that which is named in the notice of said meeting. Special meetings may be called by any member of the Board. In every case where a power is exercised under this article by the Board the vote thereon shall be taken by ayes and noes.

Records to Be Kept. Duties of Secretary.

Sec. 6. The Board shall keep and preserve a record of all its proceedings, and copies of all plans, specifications, reports, contracts, estimates, certificates, receipts, surveys, field notes, maps, plats, profiles, and of all papers pertaining to the transactions of the Board. The Secretary of the Board shall keep a record of all its transactions, specifying therein the names of the Commissioners present at all the meetings, and giving the ayes and noes upon all votes. The Secretary shall post and publish all orders, resolutions and notices as required in this Chapter or which the Board shall order to be posted or published. He shall perform such other duties as may from time to time be prescribed by the Board.

Powers and Duties of the Board.

Sec. 7. The Board shall be the successor in office and shall have all the powers and perform all the duties of the Superintendent of Streets, Highways and Squares, of the New City Hall Commissioners, and of the Commissions in existence at the time this Charter goes into effect for the opening, extending, widening, narrowing, straightening, closing or changing the grades of streets in the City and County.

Custodian of All Official Matters Relating to Streets.

Sec. 8. The Board shall immediately after its organization take possession and have the custody and control of all maps, plats, surveys, field notes, records, plans, specifications, reports, contracts, models, machinery, instruments, tools, appliances, contract rights, privileges, books, documents and archives and other property belonging to the City and County, or which may be of value and importance to the City and County, and heretofore kept by or in

the offices of the City and County Surveyor, the Superintendent of Public Streets, Highways and Squares, the Board of New City Hall Commissioners, and all commissions is existence at the time this Charter goes into effect for the opening, extending, widening, narrowing, straightening, closing or changing the grades of streets, and all other business and works pertaining to any of said offices or commissions.

Matters Under Control of the Board.

Sec. 9. The Board of Public Works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the Supervisors:

Streets, Pipes, Wires, Sewers, Etc.

1. Of all public ways, streets, avenues, lanes, alleys, places, courts, roads, highways and boulevards now opened or which may hereafter be opened in the City and County; of the manner of their use; and of all work done upon, over or under the same; and herein particularly the Board shall have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of the Supervisors, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and of temporary fences enclosing areas upon the sidewalks; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting, and the laying under the surface of the streets or sidewalks of telegraph or telephone wires, and wires for electric lighting and power; the construction of drains and sewers; the laying down and taking up of gas, steam and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and determining the location thereof; the using of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use; and without such permission in writing from said Board no person shall do any of the acts in this section enumerated; but nothing in this section shall be so construed as to give said Board the power to grant permits for or allow the permanent encroachment upon any sidewalk of any structure;

Drainage.

2. Of all sewers, drains and cesspools, and of the work pertaining thereto or to the drainage of the City and County;

Cleaning and Sprinkling, and Lighting.

3. Of the cleaning and sprinkling of all public streets, avenues, alleys, places, courts, roads, highways and boulevards, and the lighting of the same and the lighting of the parks, squares and other public places and public buildings;

Public Buildings.

4. Of the cleaning of all the public buildings of the City and County and of the appointment of such janitors and employees as are needed for such purpose;

Building Construction.

5. Of the supervision of any and all building construction in the City and County;

Constructing Public Buildings.

6. Of the construction of any and all public buildings and structures, under plans duly approved by the various departments, including all school houses and fire-department buildings, and the repair and maintenance of any and all buildings and structures owned by the City and County.

Conduits. Garbage. Sewer System.

7. Of any and all wires and conduits, the collection and disposal of street refuse, garbage and sewage, and the designing, construction and maintenance of the sewerage and drainage systems of the City and County;

Public Utilities.

8. Of the construction, maintenance and operation of any and all public utilities, owned, controlled or operated by the City and County, or which may hereafter be so constructed, owned, controlled or operated. Full authority is vested in the Board of Public Works to carry out the powers granted in this paragraph, and it may, in accordance with such ordinances as the Supervisors may enact, contract for work to be performed, or materials or equipment to be furnished, or for expert, technical or professional services to be rendered, wherever such work, services, materials or equipment are certified by the City Engineer to be necessary in connection with the construction, maintenance or operation of such utilities.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

Proceedings Relative to Excavation of Streets.

9. When at any time any person, company or corporation desires to have opened or torn up the roadway of any street, lane, alley, place or court in the City and County for any purpose, a written application shall be made to the Board of Public Works for permission to do so. The Board shall thereupon make an estimate of the expense of opening or tearing up such street, lane, alley, place or court and of restoring the same to as good a condition as it was in before said opening or tearing up. Such person, company or corporation must thereupon deposit the amount of such estimate with the Board of Public Works which shall thereupon pay the same into the General Fund.

The Board shall thereupon proceed to open or tear up said street, lane, alley, place or court as in said application requested,

and shall at the proper time restore such street, lane, alley, place or court to as good a condition as it was in before said opening or tearing up. Contracts for the doing of such work by the Board may be let by it in the manner provided in this Chapter, or the work may, at the option of the Board, be done by days' labor.

If the expense of such work has been more than the aforesaid estimate, the person, company or corporation shall be indebted to the City and County for such balance; and the same shall constitute a lien upon the property of such person, company or corporation. Said lien shall remain in force until such balance has been paid, or until the lien shall be legally discharged. Said lien may be enforced by suit brought by the City and County in accordance with the provisions of the Code of Civil Procedure of the State of California. If the expense of such work has been less than the aforesaid estimate, then the surplus shall constitute a claim in favor of such person, company or corporation, against the City and County, and as such shall be presented, approved and paid as other claims.

Data for Supervisors.

Sec. 10. All examinations, plans and estimates required by the Supervisors in connection with any public improvements or utilities, shall be made by the Board of Public Works and it shall when requested to do so, furnish information and data for the use of the Supervisors.

City Engineer and Duties.

Sec. 11. Said Board shall appoint a Civil Engineer of not less than five years' practical experience as such, who shall be designated the City Engineer. He shall hold his office at the pleasure of the Board.

He shall perform all the civil engineering and surveying required in the prosecution of the public works and improvements done under the direction and supervision of said Board, and shall certify to the progress and completion of the same, and do such other surveying or other work as he may be directed to do by said Board or by the Supervisors. He shall possess the same power in the City and County in making surveys, plats and certificates as is or may from time to time be given by law to City Engineers and to County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of City Engineers and County Surveyors. No street assessments shall be valid without his certificate as to the quantities and unless it be to the effect that the work has been done to the official lines, elevations and grades.

City Engineer. Salary and Fees.

Sec. 12. He shall serve the Board exclusively and shall not be engaged in any other business while he is in its service. He shall receive no compensation except his salary. The Board shall by

resolution establish fees and charges for the services to be performed by the City Engineer for persons, companies and corporations, and may from time to time change and adjust the same. Said Engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such moneys thus paid shall be paid to the Treasurer and credited by him to such fund or funds as said Board may direct.

Appointees of Board.

Sec. 13. The Board shall appoint the necessary heads of departments under its charge. Each such head shall have the sole executive control in its own department, subject to the rules and regulations prescribed by the Board.

Public Work by Contract.

Sec. 14. All public work authorized by the Supervisors to be done under the supervision of the Board of Public Works shall, unless otherwise determined by the Board of Public Works, be done under written contract, except in case of urgent necessity as hereinafter provided; and except as otherwise specifically provided in this Charter, the following proceedings shall be taken in all cases in the matter of the letting of contracts by said Board. Before the award of any contract for doing any work authorized by this Article, the Board shall cause notice to be posted conspicuously in its office for not less than five days, and published for the same time, inviting sealed proposals for the work contemplated; except, however, that when any repairs or improvement, not exceeding an estimated cost of five hundred dollars, shall be deemed of urgent necessity by the Board, such repairs or improvement may be made by the Board under written contract or otherwise, without advertising for sealed proposals.

Advertisement for Proposals.

Sec. 15. Said advertisement and notice shall invite sealed proposals to be delivered at a certain day and hour at the office of the Board for furnishing the materials for the proposed work, or for doing said work, or for both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced, and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full details and description of said work and materials.

Requirements for Bids for Public Work.

Sec. 16. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitiously upon application, with a form for the affidavit hereinafter provided for printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine, and not collusive or sham; that he has not colluded, conspired, connived or agreed, directly or indi-

rectly, with any other bidder or person to put in a sham bid, or that such other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against the City and County, or any person interested in said improvement, for himself or any other person. All bids shall be clearly and distinctly written, without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the Board. Any contract made in violation of any of the foregoing provisions, and in the case of improvement of streets, any assessment for the work done under such contract, shall be absolutely void.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Supervisors, for an amount not less than ten per centum of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check.

No person, corporation or firm shall be allowed to make, file, or be interested in, more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation or firm is interested, all such bids shall be rejected.

Delivery and Opening of Bids, and Award of Contract.

Sec. 17. On the day and at the hour specified in said notice inviting sealed proposals the Board shall assemble and remain in session for at least one hour, and all bids shall be delivered to the Board while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning, the Board shall compare the bids with the record made by the Secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board, and be published for the same period of time.

The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the City and County, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties and again invite sealed proposals as in the first instance.

The check accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the City and County, and shall be collected and paid into the General Fund. Neither the Board of Public Works nor the Supervisors shall have power to relieve from or remit such forfeiture.

Penalty for Collusion.

Sec. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Board shall advertise for a new contract for said work.

Owners of Major Part of Frontage May Do the Work.

Sec. 19. In the case of improvement of streets, the owners of the major part of the frontage of lots and lands upon the street whereon the work is to be done, or which are liable to be assessed for such work, or, in the case of an assessment district, the owners of a major part of the superficial area embraced in such district, or their agents, shall not be required to present sealed proposals, but may, upon making oath that they are such owners, or the agents of such owners, within ten days after the first posting of notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should such owners not enter into a written contract therefor within said ten days, or should they enter into such contract and fail to commence the work within the time stated therein, which time shall not be less than ten nor more than twenty days from the time of the execution of such contract, the Board shall enter into a contract with the original bidder to whom the contract was awarded at the price specified in his bid. If the original bidder shall fail or refuse for fifteen days after the first posting of notice of the award to enter into the contract, the Board shall again advertise for proposals as in the first instance.

Failure to Complete Work.

Sec. 20. If the owners or contractor who may have entered into any contract do not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, the Board may relet the unfinished portion of said work in accordance with the provisions in this Chapter prescribed for the letting of the whole.

Contracts by Board of Public Works. Bonds of Contractors. Progressive Payments.

Sec. 21. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

Every contract entered into by the Board shall be signed by all the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the Board, and the other, with said specifications and drawings, shall be delivered to the contractor. At the same time with the execution of the contract, the contractor shall execute to the City and County and deliver to the Secretary of the Board a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on real property, not exempt from execution or subject to homestead claim, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be surety to the City and County and each surety shall justify and make an affidavit (for which a form shall be printed upon said bond) signed by him, that he is assessed upon the last assessment book of the City and County in his own name, for real property, in an amount greater than his liability on all bonds on which he is surety to the City and County, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board, the Supervisors may extend said time, but in no event shall the time for the performance of said contract be extended by the Supervisors more than ninety days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the Board of Public Works, a further extension may be granted by vote of fourteen members of the Board of Supervisors.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not thereafter pay or allow to him any further compensation for any work done by him under said contract; and in the case of the improvement of streets, where the work is to be paid for by assessment levied upon real property, no assessment shall be made for the work done under said contract.

Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and materials furnished and used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion and acceptance by the proper officer or board of the work done under said contract.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 35).*

Acceptance of Work.

Sec. 22. The work in this Article provided for must be done under the direction and to the satisfaction of the Board of Public Works; and the materials used must be in accordance with the specifications and be to the satisfaction of said Board, and all contracts provided for in this Article must contain a provision to that effect, and also, that in no case, except where it is otherwise provided in this Charter, will the City and County, or any department or officer thereof, be liable for any portion of the expense, or in the case of improvement of streets, for any delinquency of persons or property assessed.

When said work shall have been completed to the satisfaction and acceptance of the Board, it shall so declare by resolution, and thereupon the Board shall deliver to the contractor a certificate to that effect.

CHAPTER II.

IMPROVEMENT OF STREETS.

Street Improvement. Width and Grade.

Section 1. All streets, lanes, alleys, places or courts, in the City and County, now open or dedicated or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts, for the purposes of this Chapter; and the Supervisors are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon any and all street work and street improvement under the proceedings hereinafter described.

Application. Board to Recommend Work. Recommendation of Board to Supervisors.

Sec. 2. Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this Article, be made in writing to the Board of Public Works by an owner or owners of property liable to be assessed for the same, or by their agents, or by the Board of Health for sanitary reasons, or by the Supervisors, expressed by resolution.

Such application need but in general describe or refer to the work or improvement applied for; and if the expense thereof or any portion of such expense is to be assessed upon private property, the Board of Public Works shall investigate the same and may modify, amend, alter, or increase the same, as it may deem proper; and if the Board determine that the work or improvement so applied for, or as so modified, amended, altered or increased, is expedient, it shall so report to the Supervisors; the Supervisors shall not order any such improvement until the same has been recommended by said Board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors. If an application is made for any work or improvement of which the expense is to be paid by the City and County, and the Board of Public Works shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors, order the doing of said work, or the making of said improvement.

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the City and County, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the Supervisors unless a written recommendation to do the same has been made to them by the Board of Public Works, except in the case hereinbefore provided, and all such recommendations shall be made matters of record in the office of said Board.

When the Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Supervisors with said recommendation.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 587).*

Posting and Mailing of Notices.

Sec. 3. Before recommending to the Supervisors the ordering of any work or improvement, the expense of which, or any part thereof, is to be assessed upon private property, the Board of

Public Works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Upon the passage thereof the Secretary of the Board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said Secretary, and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the Post Office at the City and County, with postage prepaid, addressed to each person represented on the Assessment Book of the City and County for the next preceding fiscal year as being owner of land liable to be assessed for said improvement; but if said lot stand on said book in the name of unknown owners, such notice need not be sent.

The Board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet in distance apart, notices not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work" in letters of not less than two inches in length, and shall in legible characters state the fact of the passage of said resolution, its date, and briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars.

Owners May Make Protest. Proceedings to Be Taken.

Sec. 4. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block, or more, and, in the case of a district, those owning more than one-half of the superficial area of the district, exclusive of street surface, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the Secretary of the Board of Public Works, who shall indorse thereon the date of their reception by him. Such objections shall delay for six months any further proceedings in relation to the doing of said work or making said improvement, under the said resolution of intention, unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and thereupon the proceedings shall be continued under the said resolution of intention, if said Board shall deem proper.

If, however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in case of a district, those owning at least two-thirds of the superficial area of the district, exclusive of street surface, shall make written objections to the said proposed work or improvement, after the expiration of the time hereinbefore fixed for making the objections in the first instance to the same (and which objections delayed for six months any further proceedings in relation to the doing of

said work or making said improvement under said resolution of intention) and before the expiration of the said six months, no further proceedings shall be taken under the said resolution of intention. But if no such objections have been made, then the Board of Public Works, after the expiration of six said months, shall, if it deem proper, continue the proceedings under the resolution of intention aforesaid, notwithstanding the objections first made, as hereinbefore provided, or any further objections to the doing of said work or making said improvement.

But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, drains, cess-pools, catch basins or storm water inlets, or of sidewalks, or of curbs, or any work or improvement on a street crossing, or on a street intersection, and written objections thereto have been delivered to the Secretary of the Board of Public Works within the time hereinbefore provided, by the owners of a majority of the frontage or of the district aforesaid, and in case of work or improvement on a street crossing or a street intersection, by the owners of a majority of the street frontage liable to be assessed therefor, the Board shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The Secretary of the Board shall thereupon notify the persons making such objections by depositing a notice thereof in the Postoffice at the City and County, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the Board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

And when not more than two blocks on a street, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon such street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, proceedings for the doing of any work or improvement, upon said intervening ungraded or unimproved part of said street, or at the end of a street, shall not be stayed or prevented by any written or other objections, unless the Board shall deem proper.

And if one-half or more in width or in length, or as to grading, one-half or more of the grading work, of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved, as aforesaid, the Board may proceed as in this Chapter provided, to have the remainder improved, graded, or otherwise, notwithstanding any objections of property owners.

In all cases of work or improvement in this section hereinbefore provided, where the Board of Public Works is vested with power to continue proceedings in relation to any proposed work

or improvement, notwithstanding any objections of property owners to the doing of the same, the Board may determine that such work or improvement is expedient, or that the public interest or convenience requires the doing of the same, and it may institute proceedings therefor and the provisions of Section 2 of this Chapter, requiring a written application to the Board in the first instance, to be made therefor, shall not be applicable thereto.

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the Secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such petition or remonstrance shall be passed upon by the Board, and its decision thereon shall be final and conclusive.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 588).*

Improvement Chargeable Upon a District. Hearing of Objections.

Sec. 5. When the contemplated work or improvement in the opinion of the Board of Public Works is of more than local or ordinary public benefit, it may recommend to the Supervisors that the expense of such work or improvement be made chargeable upon a district, and said Board shall in its resolution of intention set out the district benefited by said work or improvement and to be assessed to pay the expense thereof. Objections to the extent and boundaries of the district of lands to be benefited by said work or improvement may be made by any interested party, in writing, within ten days after the expiration of the time of publication of the resolution of intention.

The Secretary of the Board shall lay said objections before it and the Board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The Secretary shall thereupon notify the persons making such objections by depositing a notice thereof in the Postoffice at the City and County, postage prepaid, addressed to each objector. At the time specified the Board shall hear the objections urged and pass upon the same, and if said objections are overruled, its decision shall be final and conclusive as to the extent and boundaries of the district.

If the objections are sustained, the Board shall proceed to set out another district to the extent and boundaries of which objections may be made and a hearing had thereon as above provided; and so on in like manner until a district has been set out to the extent and boundaries of which all objections shall be overruled by the Board—its decision in that behalf to be final and conclu-

sive; and thereupon the proceedings shall continue the same as if no objections had been made. In its report to the Supervisors the Board shall accompany its report with a diagram on which shall be delineated each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work or improvement proposed to be done within the limits of the district. Such diagram shall be certified to be correct by the Secretary of the Board.

Completion of Work.

Sec. 6. When the work under any contract shall have been completed, the contractor shall make and file in the office of the Board of Public Works an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with any one on his behalf, to accept a price from him less than the price named in said contract, or to make any rebate or deduction to him from such price. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work other than the property owners who were parties to the agreement, and shall make void, as to such persons so defrauded, any assessment made for the work done under such contract; and where there is more than one contractor each contractor shall make such affidavit.

Completion of Contract. Assessment to Pay for Same.

Sec. 7. When any work in or upon any public street shall have been completed according to contract, and the affidavit mentioned in the next preceding section shall have been made, the Board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this Article, according to the nature and character of the work. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to the Board, and if not known, the word "*unknown*" shall be written opposite the number of the lot and the amount assessed thereon); the number of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment.

When the expense of such work falls in part upon any person, company or corporation having railroad tracks upon the street where such work has been done, said assessment shall include an assessment against said person, company or corporation, for its

legal proportion of said expense, and the same shall constitute a lien upon the road-bed, rolling stock, franchises and other property of such person, company or corporation, for a period of two years from the date of recording the warrant, assessment and diagram hereinafter provided for.

Division of Expense. Sewers, Grading, Paving, Assessed to Adjacent Blocks or District. Railroads Must Bear Proportion.

Sec. 8. The expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts, under the order of the Supervisors, shall be borne and paid for as follows:

First—The City and County shall pay out of the General Fund the expense:

a. Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the City and County, after the acceptance of the same, and all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways.

b. Of all work done in front of, or that may be assessed to, property owned by the City and County or by any department thereof.

c. Of all work done in front of, or that may be assessed to, property owned by the United States.

Second—The expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof, and of all curbs thereon, and of all work done on sidewalks, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided, except where by an assessment district it may be provided otherwise.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company, or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation, and shall be included in the assessment hereinbefore provided for.

No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding Assessment Book of the City and County.

How Assessments for Street Work Shall Be Levied.

Sec. 9. *Subdivision One*—Except where the expense incurred for the street work and improvement authorized herein is to be assessed upon a district as hereinafter provided, such expense, other than that to be paid by a person, company or corporation

having tracks on the street where such work and improvement has been done, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work.

Assessment According to Nature of Work.

Subdivision Two—The expense of all improvements except such as is done by contractors under the provisions of Section 16 of this Chapter, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in Section 23 of this Chapter, shall be assessed upon the lots and lands as provided in this section according to the nature and character of the work.

Work on Main Street Crossings.

Subdivision Three—The expense of the work done on main street crossing shall be assessed at a uniform rate per front foot on the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Main Street Terminating in Another Main Street.

Subdivision Four—Where a main street terminates in another main street, the expense of the work done on one-half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main street, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Alley Crossing Main Street.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street if it does not meet another.

Alley Crossings.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court, on either side, re-

spectively, or to the end of such alley or subdivision street, if it does not meet another.

Alley Terminating in Another Street.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, or place or court, terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one-half the width of the subdivision street, avenue, alley, place, or court opposite the termination, shall be assessed upon the lot or lots fronting upon such subdivision street or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half-way on each side, respectively, to the next street, avenue, lane, alley, court, or place, or the end of such street, avenue, lane, alley, place, or court, if it does not meet another, and the other one-half of the width upon the lots fronting such termination.

Work to Complete Unimproved Portion of Street.

Subdivision Eight—Where any work mentioned in this Chapter, manholes, cesspools, culverts, crosswalks, piling and capping excepted, is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expense of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. When sewering or resewering is ordered to be done under the sidewalk or only on one side of street for any length thereof, the assessment for its expense shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Owners May Do the Grading in Front of Their Lots.

Subdivision Nine—Any owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the Supervisors, may perform at his or their own expense (after obtaining permission from the Board of Public Works so to do, but before said Board has passed its resolution of intention to recommend grading inclusive of this) any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon may procure, at his or their own expense, a certificate from the City Engineer setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter may file said certificate in the office of the Board. Said certificate shall be recorded in a properly indexed book kept for that purpose in the office of the Board. Whenever thereafter the Supervisors order

the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contract must express the price by the cubic yard for cutting and filling in grading, and such owner or owners, and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said street for grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been legally changed, only for so much of said certified work as would be required for grading to the grade as changed. Such owner or owners shall not be entitled to any credit that may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading. The Board shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the changed grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certified owners and their successors in interest; but he shall not include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. When any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work, except grading, on such street, in front of any block, at his or their own expense, and the Supervisors shall subsequently order any work to be done of the same class in front of the same block, the work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision ten of this section; but the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the Board of Public Works at the time said order is passed.

Resolution of Intention.

Subdivision Ten—The Board of Public Works may include in the resolution of intention any of the different kinds of work mentioned in this Chapter, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; but this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of this section.

Estimate and Assessment Upon Completion of Contract.

Subdivision Eleven—When the resolution of intention declares that the expense of the work and improvement is to be assessed upon a district, immediately after the contractor has fulfilled his contract to the satisfaction of the Board of Public Works, or to the satisfaction of the Supervisors on appeal, the Board of Public Works shall proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by the diagram provided for in section five of this Chapter, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the expense of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said district benefited thereby, to-wit: Upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in this Chapter.

Board May Establish Method of Assessment.

Sec. 10. If at any time there shall be any street work or improvement done, and none of the methods hereinbefore provided are legally sufficient to authorize the Board of Public Works to make an assessment to pay for the expense thereof, then said Board shall, before it passes a resolution of its intention to recommend the ordering of said work or improvement, establish by resolution a method by means of which such assessment shall be made; and on the completion of the work or improvement to the satisfaction of said Board, or to the satisfaction of the Supervisors on appeal, said Board shall make an assessment to pay the expense thereof according to the method established by said resolution.

Assessments Authenticated.

Sec. 11. In making all assessments the Board of Public Works shall act as a Board, and the assessment shall be authenticated by the signatures of all the members thereof.

Warrant Attached to Assessment. Form of Warrant for Street Work.

Sec. 12. To said assessment shall be attached a warrant which shall be signed by the President of the Board of Public Works and countersigned by the Secretary thereof. Said warrant shall be substantially in the following form:

By virtue hereof the Board of Public Works of the City and County of San Francisco, by the authority vested in it, does authorize and empower (name of contractor) his (or their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his (or their) warrant for the same.

(Date)————————. (Name of President of Board of Public Works).

Countersigned by (Name of Secretary of Board of Public Works).

Said warrant, assessment and diagram shall be recorded in the office of the Board. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and diagram, all persons interested in said assessment shall be deemed to have notice of the contents of the record thereof.

After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the Board of the incidental expenses not previously paid by the contractor or his assigns. By virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

When it shall appear by the final judgment of any court in this State having jurisdiction to render such judgment, that any suit brought to foreclose the lien of any assessment for street work made under this Chapter, or in the recording thereof, has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality, thereof or therein, or in the return on the warrant issued pursuant to any such assessment, or in the recording of any such warrant, any person interested therein may, at any time within seven months after the entry of said final judgment, apply to the Board for another assessment to be issued in conformity to law; and the Board shall, within sixty days after the time of said application, make and deliver to said applicant a new assessment, diagram and warrant in accordance with law, and sign, record and authenticate the same as above provided. Such assessment shall be a lien upon the lots of land set out therein for the period of two years from the date of its recording, and suit may be brought to enforce said lien as provided in this Chapter. Should such final judgment be that of the Superior Court for the City and County and an appeal therefrom to the Supreme Court of the State has been taken, no such other assessment shall be made until said appeal has been determined.

How Assessments Are Paid.

Sec. 13. The contractor or his assigns, or some person on his or their behalf, shall call upon the persons assessed, or their agent, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person on his or their behalf, shall

receipt the same upon the assessment in the presence of the person making such payment, and shall also give a receipt if demanded. When the persons so assessed, or their agents, cannot conveniently be found, or when the owner of the lot is stated as "unknown" upon the assessment, then said contractor or his assigns, or some person on his or their behalf, shall publicly demand payment on the premises assessed.

The warrant shall be returned to the Board of Public Works within thirty days after its date with a return indorsed thereon, signed by the contractor or his assigns, or some person on his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the Secretary of the Board shall record the return so made in the margin of the record of the warrant and assessment.

The Board can at any time receive the amount due upon any assessment and warrant issued by it and give a good and sufficient discharge therefor; but no such payment so made after suit has been commenced shall operate, without the consent of the plaintiff in the action, as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff.

The Board may release any assessment upon the books of its office on the payment to it of the amount of the assessment, with interest, against any lot, or on the production to it of the receipt of the party or his assigns to whom the assessment and warrant were issued. If any contractor shall fail to return his warrant within the time and in the form provided in this section he shall thenceforth have no lien upon the property assessed; but if any warrant is lost, upon proof of such loss, a duplicate may be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of seven per centum per annum until paid.

Appeal to Supervisors From Decision of Board, and Proceedings Thereon.

Sec. 14. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this Chapter, or in the assessment, feeling aggrieved by any act or determination of the Board of Public Works in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the Board, shall, within thirty days after the date of the warrant, appeal to the Supervisors, by briefly stating their objections in writing and filing the same with the Clerk of the Supervisors. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or

other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal the Supervisors may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the Board relative to said work, may confirm, amend, set aside, alter, modify or correct the assessment in such manner as to them shall seem just; and require the work to be completed according to the directions of the Supervisors, and may, at their option, direct the Board of Public Works to correct the warrant, assessment or diagram in any particular, or to make and issue a new warrant, assessment and diagram to conform to the decisions of the Supervisors in relation thereto.

All the decisions and determinations of the Supervisors, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities, which the Supervisors might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the Supervisors, as provided in this section, for any error, informality or other defect in the proceedings prior to the assessment, or in the assessment itself, where the Board of Public Works has acquired jurisdiction to make the same.

Assessments Collected by Suit.

Sec. 15. At any time after the period of thirty-five days from the day of the date of the warrant, or if an appeal has been taken to the Supervisors, then, at any time after five days from the decision of the Supervisors on such appeal, or after the return on the warrant, after the same may have been collected, altered or modified, as herein provided, but not less than within thirty-five days from the date of the warrant, the contractor or his assignee may sue in his own name the owner or the mortgagee of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of seven per centum per annum until paid.

In all cases of recovery under the provisions of this Chapter the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, but not any percentage upon said recovery. When suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender be made before a recovery in said action, and he may have judgment therefor.

Said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the

regularity and correctness of the assessment and of the prior proceedings and acts of the Board of Public Works and of the Supervisors upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The Court in which said suit shall be commenced shall have power to adjudge and decree a lien against the lots of land assessed, and to order such premises to be sold on execution as in other cases of the sale of real estate by the process of said Courts. In all actions brought to enforce the lien of assessments made pursuant to the provisions of this Chapter the proceedings therein shall be governed and regulated by the provisions of this Chapter, and when not in conflict herewith, by the Codes of this State.

Repairs to Streets Not Yet Accepted Must Be Done by Owners; If Not Done, Board May Do So. Bids for Repairs. Owners Liable for Amount. Certificate of the Board Upon Completion.

Sec. 16. When, in the judgment of the Board of Public Works, any portion of the roadway of any improved street, avenue, lane, alley, court or place, or any portion of any sidewalk thereof, in the City and County, none of which has been accepted by the Supervisors as by law or as in this Charter provided, shall be so out of repair or in such condition as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the Board is authorized to notify the owner or owners of any lot fronting on said portion of said street, avenue, lane, alley, court or place, or fronting on such portion of said sidewalk so out of repair or in such condition as aforesaid, by a notice in writing to be delivered to him, or his agent, or to any of the persons referred to in Section 19 of this Chapter (and for the purposes of this section any of such persons shall be deemed the "owner"), requiring such owner to repair, or reconstruct, or improve forthwith, in such manner and with such material as the Board may determine and direct, said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk in front of the lot of which he is the owner.

If said repair, reconstruction or improvement be not begun within five (5) days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the Board may, if it so determine, enter into a contract with any suitable person at the expense of such owner for the doing of the work of the required repair, or reconstruction, or improvement after the following proceedings as in this section hereinafter provided shall have been taken by the Board.

The Board shall cause a notice inviting sealed bids for the doing of said required work to be conspicuously posted in its office for three days (legal holidays excepted), together with the specifications for such required work. The said notice shall specify the day and hour when such sealed bids must be delivered to the Board, and shall contain a general description of the work to be done, the time

within which the work is to be commenced and when to be completed, and the amount of the certified check hereinafter provided for as a guaranty for the faithful performance of the contract, and shall refer to the specifications posted therewith. On the day and at the hour specified in said notice, the Board shall assemble and remain in session for at least one hour, and all such bids shall be delivered to the Board while it is so in session and within the hour named in the said notice. At the expiration of the hour stated in the said notice within which the bids shall be received, the Board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. The Board shall award the contract to the lowest responsible bidder, if in its judgment the bid of such bidder is reasonable and just.

The Board may for good cause reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract awarded to him by the Board.

No bid shall be considered by the Board unless it be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Supervisors of the City and County, for an amount determined by the Board and specified in said notice inviting bids. Such check shall be held by the Board as a guaranty that the bidder to whom the contract has been awarded, as hereinbefore provided, will enter into contract to do said work and faithfully perform such contract.

If said bidder fails or refuses to enter into the contract to do said work as hereinafter provided, or if after having entered into the said contract said bidder fails to faithfully perform the contract, then the said certified check accompanying his bid shall be forfeited to the City and County, and shall be collected and paid into the General Fund thereof.

The bidder to whom the contract for the said work has been awarded shall enter into a written contract therefor with the Board of Public Works within five (5) days after the date of the award thereof. Upon the completion of the required repair, reconstruction or improvement by the contractor as aforesaid to the satisfaction of the Board, it shall make and deliver to the contractor a certificate to the effect that such repair, reconstruction or improvement has been properly made by said contractor, and that the charges for the same are reasonable and just, and that the Board of Public Works has accepted the same. Upon the issuance of the said certificate the Board shall surrender to the contractor the certified check hereinbefore provided for.

Until the sidewalk or the roadway of any improved street, avenue, lane, alley, court or place in the City and County is finally accepted as by law or as in this Charter provided, the obligation to repair, reconstruct or improve the same is imposed upon the owner or owners of the lots fronting thereon.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Contractor May Sue for Amount Due on Repairs.

Sec. 17. If the expense of the work and material for the repairs provided for in the last preceding section be not paid on demand to the contractor so employed, or his agent or assignee, said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and the certificate provided for in said section shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the Board of Public Works in a book kept by it in the office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien as in case of other assessments provided for in this Chapter.

Supervisors May Prescribe Further Penalties.

Sec. 18. In addition to the remedies above given, the Supervisors may prescribe the penalties that shall be incurred by any owner or person neglecting or refusing to make repairs when required, as hereinbefore provided. Such penalties shall be enforced for the use of the City and County by prosecution in the name of the People of the State of California in the Court having jurisdiction thereof, and may be applied in the case of fines to the payment of expense of any such repairs not otherwise provided for.

"Owner" of Property Defined.

Sec. 19. The person owning the fee, or the mortgagee of such fee, or the person who, on the day the action is commenced, appears by deed duly recorded in the County Recorder's office of the City and County, to have the legal title to the land, or the person in possession of lands, lots, portion of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated and deemed to be the "owner" for all the purposes of this Chapter. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Lessee May Deduct Payment From Rent.

Sec. 20. Any tenant or lessee of any lot of land on which has been imposed an assessment under the provisions of this Chapter may pay said assessment, or he may discharge any liability imposed thereon by virtue of the provisions of this Chapter, or he may redeem the property within the time prescribed by law, if legally sold on execution, and may deduct the amount so paid from the rents due and to become due from him; and he shall have a lien upon, and may retain possession of, said lots until the amount so paid and advanced, with legal interest thereon, be satisfied from accruing rents or by payment by the owner.

Records of Board Open to Inspection.

Sec. 21. The records kept by the Board of Public Works shall have the same force and effect as other public records, and duly

certified copies therefrom may be used in evidence with the same effect as the originals. Said records shall, during all office hours, be open, free of charge, to the inspection of any citizen wishing to examine them.

Service of Notices.

Sec. 22. Notices in writing required to be given by the Board may be served by any person over the age of twenty-one years, and the fact of such service may be verified by the oath of the person making it. Such oath may be taken before the Secretary of said Board or before any member thereof.

Accepted Streets. City to Keep in Repair.

Sec. 23. When any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the Board of Public Works and of the Supervisors, and is in good condition throughout, and a sewer, gas pipes, and water pipes are properly laid therein, the same shall be accepted by the Supervisors by ordinance; and thereafter such street or portion of a street shall be kept in repair and improved by the City and County. The Supervisors shall not accept any portion of a street less than the entire width of the roadway, including the curbing, and one block in length, or one entire crossing; but they may partly or conditionally accept any street, without a sewer, or gas pipes or water pipes therein, if the ordinance of acceptance expressly states that they deem such sewer, or gas pipes, or water pipes to be then unnecessary. In such case the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such cost and for the cost of repairs and restoration of the street damaged in said construction, whenever the Supervisors shall deem a sewer to be necessary and shall order it to be constructed. The Board of Public Works shall keep in its office a register of all streets accepted by the Supervisors under this section, which register shall be indexed for easy reference thereto.

Procedure for Paving Railroad Tracks.

Sec. 24. The Board of Public Works may at any time, without any application therefor, recommend to the Supervisors to order the paving or macadamizing of the portion of any street required by law to be paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the Supervisors shall by ordinance order said work to be done and direct said Board to notify said person, company, or corporation of the fact of the passage of such ordinance.

The Secretary of said Board shall thereupon forthwith in writing notify said person, company or corporation of the passage of said ordinance; and if said person, company or corporation shall not within ten days after receiving said notice commence in good faith to do said work and prosecute the same diligently to completion, the Board shall invite sealed proposals for doing said work in the manner provided in this Article; and all the provisions of this

Article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of the Board the contractor shall be entitled to recover from such person, company or corporation the contract price for the expense of said work, together with incidental expenses, in an action instituted in a Court of competent jurisdiction. On the trial of such action, the certificate of the Board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

Full Width of Street.

Sec. 25. Except as otherwise in this Chapter specifically provided, no ordinance for the improvement of any street other than for sewers, sidewalks and curbs, except for the improvement of the streets constituting or lying along the water front of the City and County, and except for such work as is provided for in the next preceding section, shall be passed by the Supervisors without extending said improvement throughout the whole width of such street.

Definition of Terms. Use of Patented Pavements.

Sec. 26. Wherever in this Article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling and capping; and the construction and repairs of sewers, cesspools, manholes, culverts, drains, sidewalks and curbs.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The term "quarter block," as used in this Chapter as to irregular blocks, shall be deemed to include all lots or portions of lots, having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the City and County.

The word "paved" shall include any pavement of stone, iron, wood, or other material which the Supervisors may by ordinance order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the City and County all right to the use of the same therein, with the privilege to any person to manufac-

ture and lay the same upon the streets under any contract that may be awarded to him, or entered into by him with the City and County.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for, and all expenses for surveying, measuring and inspecting the work.

All notices and resolutions required in this Article to be published shall be published daily, legal holidays excepted, in the official newspaper.

All notices herein required to be served, whether by delivery mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the official newspaper, or his clerk, of the publication of any notice required in this Article to be published, shall be prima facie evidence of such publication.

Procedure Relating to Closing of Streets.

Sec. 27. When the owners of all the lands fronting upon any street which is less than forty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the Board of Public Works that the said street, or that portion thereof upon which said lands front, be closed, the Board may pass a resolution recommending that the same be closed. Before passing such a resolution the Board shall cause a notice of the application to be published in the official newspaper, and shall fix a time and place at which it will consider the same and hear objections thereto. Upon such hearing it shall determine whether it will recommend that the street be closed; and if it shall so determine, it shall transmit such recommendations to the Supervisors. Thereupon the Supervisors may pass an ordinance that the street be closed; and the same shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of the City and County. No such ordinance shall be passed until the petitioners shall have paid all the expenses of said proceedings.

New Streets and Subdivisions.

Sec. 28. In all cases where lands in the City and County shall be hereafter sub-divided and laid out into blocks or plats, sub-lots, streets and alleys, or when new streets or public grounds shall be laid out, opened, donated or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it indorsed upon the said map or plat, and said map with said approval shall then be filed in the office of the Recorder; and without such approval indorsed thereon

no such map or plat shall be filed in the office of the Recorder, or have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street or be subject to any public improvement or expense without such approval, indorsement and record. No street hereafter laid out shall be approved or become a public street unless the same shall be at least forty feet in width and two hundred feet distant from any parallel street.

Cleaning and Sprinkling of Streets. Districts.

Sec. 29. The Board shall cause the public streets to be properly cleaned and sprinkled, and for that purpose may employ such laborers and other employees as may be necessary, and may, with the consent of the Supervisors, expressed by ordinance, purchase teams, machinery, materials and other appliances as may be deemed necessary for said work, but the Board must give the preference to hand sweeping so far as it can do so with reference to the proper sweeping of the streets and the funds at its disposal.

The Board may, if the public interest will be subserved, cause the cleaning and sprinkling of the public streets to be performed, either in whole or in part, by public contract. In such case the Board shall divide the city, or such portions of the city as it shall determine to have cleaned or sprinkled by public contract, into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning or sprinkling of such streets at the lowest cost.

The Secretary of the Board shall, under its direction, cause to be published for a period of ten (10) days a notice inviting proposals for cleaning or sprinkling each of said districts in accordance with the specifications on file at the office of the Board. Bids shall be made for each district separately. All the provisions of this Article in relation to the making and opening of bids, awarding of contracts and entering into and performance of contracts shall be applicable to said contracts.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 590).*

Urgent Repairs.

Sec. 30. The Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the Board; but when the expense of the repairs upon any street or portion of a street shall exceed the sum of five hundred dollars, exclusive of materials to be furnished from the Corporation Store Yard, the same shall be done under contract awarded in the manner provided in this Article.

Contracts for Materials.

Sec. 31. The Board shall, from time to time, after it shall have been directed so to do by the Supervisors by ordinance, invite proposals for supplying to the City and County such materials as may be required for the repair of the public streets or for any improvement thereof, and such proceedings shall be had in awarding contracts therefor as are in this Article provided for awarding other contracts.

Corporation Store Yard. Storekeeper. Duties.

Sec. 32. The Supervisors shall select some place in the City and County which shall be known as the Corporation Store Yard, wherein shall be kept all supplies, material, implements and machines belonging to the City and County, to be used in repairing or cleaning and sprinkling the streets or for any improvement thereon. The Board of Public Works shall appoint a Storekeeper for said Yard, who shall hold his office during its pleasure. He shall have the custody of said Yard and of all the supplies, material and implements therein, and shall keep books of account in which shall be kept a systematic account of all purchases, and of the receipt of supplies and material under any contracts awarded under the provisions of the preceding section, and of the delivery thereof, which books shall at all times show the amount of said material and supplies on hand and in store, and when, to whom, and for what purpose each article was delivered. He shall be responsible for all material and supplies in said Yard, and shall not deliver any article except upon the written order or requisition of the President and Secretary of the Board of Public Works, and he shall take the written receipt, indorsed upon said order, of each person to whom any delivery is made, specifying the date of such delivery and the amount and kind of material and supplies delivered. For any deficiency in his accounts or for the delivery of any article without such order or requisition and receipt, he shall be liable upon his official bond. All cobble stones, or stone blocks or other material with which any street or portion of a street may have been paved or planked shall, if at any time removed from said street, be taken to said Yard, and there kept, accounted for and disposed of by the Storekeeper in the same manner as other supplies.

Ten Year Installments.

Sec. 33. The provisions in this Article relating to and providing for street work or street improvements in the City and County and providing for the payment of the costs and expenses thereof, shall not be deemed exclusive, but the Board of Supervisors may, and it is hereby empowered so to do, pass an ordinance by a vote of at least fifteen of its members, which may from time to time be revised or amended by a like vote, providing for street work or street improvements in the City and County and for the payment of the costs and expenses thereof; and, in and by such ordinance,

it may declare and designate the kinds of such work or improvements.

Said Board is authorized and empowered to order such street work done or improvements made under such proceedings as it may in such ordinance provide, and to assess, in such manner and by such method as it may in and by such ordinance prescribe and provide, the proper costs and expenses thereof upon lands in private ownership, when the payment of such costs and expenses is not otherwise provided for in such ordinance, and when the payment of a portion of such costs and expenses is so otherwise provided for, to assess the remainder thereof upon such lands; to provide for a lien on lands so assessed for such work or improvements; and to provide in such ordinance the method for collecting and enforcing such assessments so levied, and the manner in which lands for which assessments levied thereunder remain unpaid may be sold; and to prescribe penalties for failure to pay such assessments. By and in such ordinance said Board may provide for fully and completely exercising the powers which are hereby conferred as to such street work or street improvements and the assessment and collection of the costs and expenses thereof; and the provisions of such ordinance shall not be governed or limited by the provisions of this Article inconsistent or in conflict therewith.

The Board of Supervisors, if it be deemed expedient by the Board, is further empowered to provide in such ordinance that any assessment levied in pursuance thereof may at the option of the owner of property assessed be paid in installments covering a period provided for in such ordinance, but not to exceed ten years, upon such terms and conditions as in such ordinance may be provided and in accordance with the method therein prescribed, but the Board of Supervisors shall not require interest to be paid on such installment payments at a rate greater than seven per cent per annum.

No assessment shall be levied in pursuance of such ordinance upon any property for street work or street improvements which, together with all assessments for street work or street improvements that may have been levied upon the same property during the year next preceding the inception of the proceedings for such work or improvements, will amount to a sum greater than fifty per centum of the value at which said property was assessed for municipal purposes, exclusive of improvements thereon, upon the assessment-book of the City and County current at the time of the inception of such proceedings.

Such limitation of assessed valuation, however, shall not apply to any assessment made payable in installments as in this section hereinbefore provided for; but in no case shall any such installment payment exceed in amount twenty-five per centum of such assessed valuation.

The provisions of this section shall not be construed to limit or restrict any method or system enacted by any such ordinance as

herein provided for street work or street improvements in the City and County to the provisions of such ordinance so enacted, and shall not be held to exclude any other method or system provided in this Charter for such work or improvements.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

CHAPTER III.

OPENING, EXTENDING, WIDENING, STRAIGHTENING OR CLOSING UP OF STREETS AND THE CONDEMNATION AND ACQUISITION OF LAND AND PROPERTY NECESSARY THEREFOR AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

Power of Supervisors to Open, Etc., Streets.

Section 1. Whenever the public interest or convenience may require, the Supervisors shall have full power and authority to order the extending, widening, straightening or closing up, in whole or in part, of any street, avenue, lane, alley, court or place within the City and County, and shall have further full power and authority to order the opening of any new street, avenue, lane, alley, court or place within the City and County, and to condemn and acquire any and all lands and property necessary for any of the foregoing purposes, and shall have further full power and authority to order to be done in the same proceeding and as a part thereof any and all street work and street improvement in and on any street, avenue, lane, alley, court or place which the Supervisors shall, under the powers conferred upon said Supervisors in this Chapter or Article, order to be extended, widened, straightened or opened. The cost, damage and expense of such opening, extending, curving, straightening and closing up of any street, avenue, lane, alley, court or place and of said street work and street improvement may be assessed in whole or in part on property benefited or may be paid in whole or in part out of the revenues of the City and County. Two or more streets, avenues, lanes, alleys, courts or places laid out in pursuance of one general plan may be opened under one proceeding, and all street work and street improvement therein and thereon may be done under the same proceeding, and the property benefited may be assessed according to the benefit from such general plan for the cost, damage and expense thereof.

The Supervisors are further empowered to provide by ordinance, or ordinances, passed by 12 members of the Board, the procedure for fully and completely exercising the powers conferred in this section, and the procedure provided for in the following sections of this Chapter shall not be deemed exclusive. In such ordinance or ordinances, if said Board deems it expedient, provision may be made for the payment of an assessment levied in pursuance of the provisions thereof in annual installments covering a term not to

exceed ten years, upon such conditions as to such Board may seem reasonable and just, the rate of interest to be made on such payment not to exceed 7 per cent per annum. Or the Supervisors may by resolution, as in the following section provided, declare that any such opening, extending, widening, straightening or closing up of any street, avenue, lane, alley, court or place and said street work and street improvement shall be done or made in the manner and in accordance with the following provisions of this Chapter or as said provisions may be hereafter amended; in which case the proceedings set out in the following sections of this Chapter shall be taken and had.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Resolution of Intention. Cost of Work; How May Be Paid.

Sec. 2. Before ordering such opening, extending, widening, straightening or closing up of any street, avenue, lane, alley, court or place and said street work and street improvement to be made or done the Board of Supervisors shall pass a resolution declaring their intention so to do and further declaring that the same shall be done or made in the manner and in accordance with the provisions of this section and the following sections of this Chapter. Said resolution shall describe the same and the work to be done and the land and property deemed necessary to be taken therefor, and shall specify the exterior boundaries of the district to be affected or benefited by the improvement and work, and to be assessed to pay the damages, costs and expenses thereof.

In case said damage, cost and expense or any proportion thereof, is to be paid out of the revenues of the City and County the Supervisors in such resolution may so declare, or at any time thereafter and before the complete payment of said damages, costs and expenses, said Board may declare and determine that any part or the whole thereof remaining unpaid shall be paid out of the revenues of the City and County.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Posting of Notices.

Sec. 3. The Clerk of the Supervisors shall transmit to the Board of Public Works a certified copy of such resolution, and upon receipt thereof said Board of Public Works shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed "Notice of Public Work" in letters not less than one inch in length, shall be in legible characters, state the fact of the passage of the resolution, its date, and briefly the work of improvement proposed, and refer to the resolution for further particulars. Said Board shall also cause a notice, similar in substance, to be published for a period of ten days in the official newspaper.

Objections and Hearing Thereof.

Sec. 4. Any person interested objecting to said work or improvement, or to the extent of the district or lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the Supervisors, who shall endorse thereon the date of its reception by him, and at the next meeting of the Supervisors after the expiration of said ten days lay said objection before the Supervisors, who shall fix a time for hearing said objections, not less than one week thereafter. The Clerk of the Supervisors shall notify the persons making such objections by depositing a notice thereof in the Postoffice, postage prepaid, addressed to such objector.

Sec. 5. At the time specified, or to which the hearing may be adjourned, the Supervisors shall hear the objections urged, and pass upon the same, and their decision shall be final and conclusive. If such objections are sustained all proceedings shall be stopped, but proceedings may again be commenced at any time by giving notice of intention to do said work or make said improvement. If such objection is overruled by the Supervisors, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed, during which objections to said work or improvement may be made, if no objections shall have been made, or if objections shall have been made, and the Supervisors, after hearing, shall have overruled the same, the Supervisors shall be deemed to have acquired jurisdiction to order any of the work to be done or improvement to be made which are authorized by Section 1 of this Chapter, and by resolution shall order said work to be done or improvement to be made, as the case may be.

Viewing of Lands by Board of Public Works.

Sec. 6. Upon the passage of said resolution the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works. Upon receipt of the same said Board of Public Works shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any member of said Board in relation thereto. Having viewed the land to be taken, and the improvement affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work of improvement, and, having determined the same, shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by Section 2 hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improvement, so

far as said Board can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be. In case, however, the Supervisors shall have declared that the whole of such expense shall be paid out of the revenues of the City and County, then no such assessment shall be made, but the Board of Public Works shall, in such event, report to the Supervisors in detail an estimate of the value of the land to be taken, the damages to improvements and the amount of expenses incident to said work, and if the Supervisors shall approve such estimate they shall order the amount so fixed to be paid to the persons respectively entitled thereto, as in Section 15 hereof provided.

Plat of Assessment District.

Sec. 7. Said Board of Public Works having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the Supervisors, and shall accompany their report with a plat of the assessment district showing the land taken or to be taken for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot or portion of lot, and its dimensions, so far as can be reasonably ascertained. Each block or lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn, and in all respects. When the report and plat are approved by the Supervisors, a copy of said plat, appropriately designated, shall be filed by the Clerk thereof in the office of the Recorder of the City and County.

What Report to Specify.

Sec. 8. Said report shall specify each lot, subdivision or piece of property taken or injured in the widening or other improvement, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, so far as the same are known to said Board of Public Works, and the particulars of their interest, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

Conflicting Titles.

Sec. 9. If in any case the Board of Public Works find that conflicting claims of title exist, or if they shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any lot of land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or of the condemnation of the property to be taken.

Publication of Notice to Show Cause.

Sec. 10. Said report and plat shall be filed in the Clerk's office of the Supervisors, and thereupon the Clerk of said Board shall give notice of such filing by publication for at least ten days in the official newspaper. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the Supervisors on or before a day fixed by the Clerk thereof, and stated in said notice, which day shall not be less than thirty days from the first publication thereof.

Hearing Objections to Report.

Sec. 11. All objections shall be in writing, and filed with the Clerk of the Supervisors, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the Supervisors, who shall fix a time for hearing the same, of which the Clerk shall notify the objectors in the same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the Supervisors shall hear such objections and pass upon the same; and at such time, or, if there be no objections, at the first meeting after the day set in said order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given, and hearing had, as in the case of an original report. If the Supervisors shall have determined that a certain proportion of the cost and expense of such work and improvement shall be paid out of the revenues of the City and County, they shall deduct such proportion from the total amount of the cost and expense thereof as finally fixed and determined in and by said assessment and report, and the amount of such proportion shall be paid out of any revenues appropriated for such purpose to the persons respectively entitled thereto, at the same time and in the same manner as in Section 15 hereof provided, and the balance shall be raised by assessment as hereinafter provided.

Assessment Roll, What to Constitute.

Sec. 12. The Clerk of the Supervisors shall forward to the Board of Public Works a certified copy of the report, assessment and plat, as finally confirmed and adopted by the Supervisors, with a statement of any deduction that may be made on account of payments made out of the revenues of the City and County, as in Section 11 provided. Such certified copy shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

Publication of Notice of Assessment. Delinquent Assessments.

Sec. 13. The Board of Public Works shall thereupon give notice by publication in the official newspaper for ten days that

it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to said Board within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works it shall cause to be written the word "paid," and the date of payment, opposite the respective assessments so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required, give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent, and said Board of Public Works shall certify such fact at the foot of said assessment roll and shall add five per cent to the amount of each assessment so delinquent.

Sale of Delinquent Property. Redemption, How. Deeds.

Sec. 14. The said Board of Public Works shall thereafter proceed to advertise and collect the various sums delinquent and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed, by the sale of the assessed property in the manner hereinafter specified; and after the date of said delinquency and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. The said property shall be sold, and when sold shall be subject to redemption in the manner following, to-wit:

First—The Board of Public Works shall, within ten days from date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land, separately assessed. The Board of Public Works shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in the official newspaper of said City and County of San Francisco. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must

be in, or in front of, the building wherein is situated the office of the Board of Public Works.

Second—At any time after such delinquency, and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property, together with the penalty, and costs then due, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments. The Board of Public Works shall thereupon mark such assessment "paid," as hereinbefore provided.

Third—On the day fixed for the sale the Board of Public Works must, at the hour of 10 o'clock A. M., commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; *provided*, that the Board of Public Works may postpone or continue the sale from day to day until the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land, and then and there pay the amount of the assessment, penalty and costs due, including fifty cents to the Board of Public Works for a certification of sale, shall become the purchaser. In case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the said City and County of San Francisco, as purchaser, and the Board of Supervisors shall appropriate out of the general fund of the treasury the amount then due against the lot, piece or parcel of land, and shall order the County Treasurer to place the same in the special fund for such improvement. No charge shall be made for the certificate of sale when the said City and County of San Francisco is the purchaser.

Fourth—After making the sale, the Board of Public Works must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment roll, that said property was sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The Board of Public Works must file one copy of such certificate in its office and deliver the other to the purchaser, or if the said City and County of San Francisco is the purchaser, to the Clerk of the Board of Supervisors, who shall file the same in his office. On the filing of the copy of such certificate in the office of the Board of Public Works, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The Board of Public Works shall also enter on the assessment roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

Fifth—A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the Board of Public Works the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within three months after the date of the sale; twenty per cent if paid within six months; thirty per cent if paid within nine months; forty per cent if paid within twelve months, or fifty per cent if paid at any time after twelve months. When redemption is made, the Board of Public Works shall note that fact on the duplicate certificate of sale on file in its office, and deposit the amount paid with the County Treasurer, who shall credit the purchaser named in the certificate of sale with the said amount and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the said City and County of San Francisco is the purchaser, the County Treasurer shall notify the Clerk of the Board of Supervisors of the redemptions, and such Clerk shall thereupon cancel the certificate of sale on file in his office.

Sixth—At any time after the expiration of twelve months from the date of the sale, the Board of Public Works must execute to the purchaser, or his assignee, on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof and the fact that no person has redeemed the property. The Board of Public Works shall receive from the applicant for the deed, one dollar for making such deed, unless the said City and County of San Francisco is the purchaser, in which case no charge shall be made therefor.

Seventh—The deed of the Board of Public Works shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings hereunder prior to the execution thereof, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the necessity of the improvement and work and of the correctness of the compensation awarded for lands taken or damaged.

Eighth—The Board of Public Works shall from time to time pay over to the County Treasurer all moneys collected by the Board on account of any assessments made under the provisions hereof. The County Treasurer shall, on receipt thereof, place the same in a special fund, designating such fund by the name of the street, avenue, square, lane, alley, court or place for the widening, opening or other improvements for which the assessment was made. Payment shall be made from said fund to the parties entitled thereto upon warrants signed by the members of the Board of

Public Works. With respect to all matters provided for or prescribed by this section to be done or performed by said Board of Public Works, the majority of said Board may act.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Payment of Damages Awarded.

Sec. 15. When sufficient money is in the hands of the Treasurer, in the fund devoted to the particular work or improvement, to pay for the lands and improvements taken or damaged, and when in the discretion of the Board of Public Works the time shall have come to make payments, it shall be the duty of said Board to notify the owner, possessor or occupant of any land or improvements thereon to whom damages shall have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of said Board upon tendering a conveyance of any property to be taken; such notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the Postoffice, addressed to his last known place of abode or residence. If at the expiration of thirty days after the deposit of such notice he should not have applied for such warrant, and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the Treasurer and shall be delivered to such owner, possessor, or occupant upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

Eminent Domain. Deficiency in Fund.

Sec. 16. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor as aforesaid, or objects to the report as to the necessity of taking his land, the Board of Public Works shall report such facts to the Supervisors, who shall thereupon cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceedings shall be brought in the name of the City and County, and have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and after judgment has been entered, or preceding an appeal, the court may order the Treasurer to set apart in the treasury, a sufficient sum from the fund appropriated to the particular improvement to answer the judgment and all damages, and thereupon may authorize and order the City and County to enter upon the land and proceed with

the proposed work and improvement. In case of a deficiency in said fund to pay the whole of such judgment and damages, the Supervisors may, in their discretion, order the balance thereof to be paid out of the general fund of the treasury or to be distributed by the Board of Public Works over the property by a supplementary assessment; but in the last-named case, in order to avoid delay, the Supervisors may advance such balance out of any appropriate fund in the treasury, and reimburse the same from the collections of the assessment. Pending the collection and payment of the amount of the judgment and damages, the court may order such stay of proceedings as may be necessary.

Payment of Warrants.

Sec. 17. The Treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation, *provided*, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the Treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Supplementary Assessment.

Sec. 18. If after the sale of property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appears desirable, the Board of Public Works may so report to the Supervisors, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure. If by reason of such supplementary assessment, or for any cause, there should be at any time a surplus, the Supervisors may appropriate the same and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said City and County.

Defective Titles.

Sec. 19. If any title attempted to be acquired by virtue of this Act shall be found to be defective from any cause the Supervisors may again institute proceedings to acquire the same as in this Chapter provided, or otherwise, or may authorize the Board of Public Works to purchase the same and include the cost thereof in a supplementary assessment, as provided in the last section.—*The entire 20 original sections of Chapter III were repealed and the foregoing 19 sections of the same Chapter were substituted in lieu thereof by amendment November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, pages 48-54).*

Panama Exposition May Close Streets.

Sec. 20. The Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22nd, 1910) is authorized to temporarily close streets in the City and County westerly from Twentieth avenue, for the purpose of an exposition to celebrate the completion of the Panama Canal, and may have exclusive possession and use of said streets so closed for such exposition purposes, such possession and use of said streets to terminate not later than one year after the closing of such exposition: provided that no street shall be closed as in this section provided until after said exposition company shall have acquired for such exposition purposes, all of the lands held in private ownership fronting on said street, or portion of street, so closed.—*New section added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

CHAPTER IV.

SEWERS AND DRAINAGE.

General Drainage System.

Section 1. The Board of Public Works shall devise a general system of drainage, which shall embrace all matters relative to the thorough, systematic and effectual drainage of the City and County, and shall from time to time make to the Supervisors such recommendations upon the subject of sewerage and drainage as it may deem proper.

Powers of Board.

Sec. 2. The Board shall prescribe the location, form and material to be used in the construction, reconstruction and repairing of all public sewers, manholes, sinks, drains, cesspools, and all other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

Rules and Regulations.

Sec. 3. The Board shall recommend to the Supervisors rules and regulations concerning the public and private sewers and drains in the City and County, and upon recommendation of said Board, the Supervisors are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

Permits to Make Connections.

Sec. 4. No person shall connect with, or open or penetrate, any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of the Board in reference thereto.

Recommendations by Board.

Sec. 5. The Board may also recommend to the Supervisors the construction of such canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery and other works necessary for the proper and effectual drainage of the City and County, together with plans for connecting the same with sewers and private drains already constructed or thereafter to be constructed.

Purchase of Property.

Sec. 6. The Supervisors may, upon the recommendation of the Board of Public Works, by ordinance passed by not less than fourteen affirmative votes, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this Chapter.

Agreement on Damages.

Sec. 7. The Board may, with the like approval of the Supervisors, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owners for the purpose of such improvement and for the perpetual use of said real estate for such purpose.

Power to Construct Works.

Sec. 8. The Board may, when authorized by ordinance of the Supervisors passed by not less than fourteen affirmative votes, construct such sewers, reservoirs and pumping works as may be necessary to carry out the general system of sewerage for the City and County.

Condemnation of Property. Proceedings.

Sec. 9. When, upon the recommendation of the Board of Public Works, the Supervisors shall determine upon any improvement for the purpose of sewerage and drainage which necessitates the acquisition or condemnation of private property, and the Board is unable to agree with the owner thereof, upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which the Board shall deem it most expedient, it shall, when authorized by the Supervisors expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same may be applicable, which is provided in this Article for the condemnation of real estate when necessary for the opening of any new street.

CHAPTER V.

HARBORS AND WHARVES.

Supervisors to Control Wharves and Harbor.

Section 1. All the Wharves, Water Front and Harbor of San Francisco which now belong or may hereafter belong to the City and County, or over which it may at any time lawfully exercise jurisdiction and control, shall be under the management and control of the Supervisors. All said wharves shall be built and repaired by the Board of Public Works, after proceedings had as provided in this Article for the improvement or repair of public buildings.

Tolls to Be Regulated by Ordinance.

Sec. 2. The Supervisors shall by ordinance fix and regulate the tolls for wharfage and dockage, and shall provide for the collection of the same, except where the wharves are under the jurisdiction of the Board of State Harbor Commissioners, or may provide that no charges, tolls, dockage or wharfage be imposed or collected. The Supervisors shall not have power to dispose of any wharf, but they may lease any wharf for a term not exceeding two years.

CHAPTER VI.

RELATING TO THE MODIFICATION OR CHANGE OF STREET GRADES AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

Street Grades, How May Be Changed.

Section 1. The Board of Supervisors is hereby empowered, on the written recommendation of the Board of Public Works, to change or modify the grade of any public street, avenue, lane, alley, place or court to the grade set out in such recommendation and to regrade, repave, sewer, sidewalk, curb or otherwise improve the same, so as to conform to such change or modified grade in the manner as hereinafter provided. Before any change of grade is attempted, the Board of Supervisors shall pass a resolution of intention to make such change or modification of grade, and it shall in the same resolution, when regrading, repaving, sidewalking, sewering, curbing or other improvement on such street or streets is contemplated in connection therewith, define and establish the district benefited and to be assessed for the payment of damages and for the expense of regrading, repaving, sewering, sidewalking, curbing, or otherwise improving such street or streets so as to conform with such change or modified grade; and it shall have power at the same time and in the same resolution to provide for the actual cost of performing the work of regrading, repaving, sewering, sidewalking, curbing or otherwise improving such street or streets or portion or portions thereof with the same or other material with which it was formerly

graded, paved, sewered, sidewalked, curbed or otherwise improved, briefly describing the work to be done and providing that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such change or modified grade. When a change or modification of grade or grades is proposed to be made upon a street, avenue, alley, lane, court or place, which has already been sewered, paved, curbed or graded, no such change or modification of such grade or grades shall be made unless provision shall also be made for the resewering, repaving, recurbing or regrading of such street, avenue, alley, lane, court or place. One or more streets or blocks of streets may be embraced in the same resolution. Such resolution shall be published in the official newspaper. Such publication shall be made for ten days, and shall describe the proposed change or modification of grade, and when such resolution contemplates such work it shall describe the regrading, repaving, sewering, sidewalking, curbing or other improvement so contemplated, and shall set forth and describe the district to be benefited by such change or modification of grade or regrading, repaving, sewering, sidewalking, curbing or other improvement, and to be assessed for the damages and cost of making the same. Within ten days after the first publication of the resolution of intention the Board of Public Works shall cause to be conspicuously posted along all streets within the district defined in the resolution, or, when no such district is defined, along the street or streets upon which such change or modification of grade or grades is contemplated, notice of the passage of said resolution. Said notices shall be posted not more than one hundred feet apart and shall be headed "Notice of Grade Change" or "Notice of Grade Change and Street Work," as the case may be, in letters not less than two inches in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, the fact of the proposed grade change, and, if any, briefly the work or improvement proposed, and refer to the resolution for further particulars. When no improvements are provided for in connection with the said change or changes of grade or grades, if no protest of the owners of two-thirds of the property fronting on the street or streets, the grade or grades of which is to be changed or modified, shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of the resolution of intention hereinbefore mentioned, the Board of Supervisors shall have power to declare such grade or grades to be changed or modified and established, in conformity with said resolution; and when such improvement or improvements are contemplated in connection with such change, or changes of grade or grades, if no protest of the owners of a majority of the superficial area of the property included within the assessment district defined in said resolution of intention shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of said resolution hereinbefore mentioned,

the Board of Supervisors shall also have the power to order any of the work contemplated therein to be done, and such street or streets to be regraded, repaved, sewered, sidewalked, curbed or otherwise improved in conformity therewith.

Owner May File Estimate of Damages.

Sec. 2. In case the resolution of intention provides for regrading, repaving, sewering, sidewalking, curbing or otherwise improving said street or streets, to said changed or modified grade, any person owning property fronting upon said portions of the street or streets where such street work is to be done, may file a petition with the Board of Public Works within sixty days after the first publication of said resolution of intention, showing the fact of such ownership, a description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioner or his agent. A failure so to petition shall be deemed and treated as a waiver of any claim for such damage or damages, and said resolution of intention shall so declare.

Board Shall Estimate Costs.

Sec. 3. Whenever such petition or petitions have been filed, the Board of Public Works shall estimate and assess the benefits, damages and costs of the proposed work or improvement upon each separate lot of land situated within such assessment district as said lot appears of record upon the last City and County assessment roll.

Power to Subpoena Witnesses.

Sec. 4. The Board of Public Works shall have power to subpœna witnesses to appear before them to be examined under oath, which any member of the Board of Public Works is authorized to administer.

Assessment of Costs.

Sec. 5. The Board of Public Works having determined the damages which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvements.

Report of Board of Public Works.

Sec. 6. The Board of Public Works shall make their report in writing, and shall subscribe to and file the same with the Board of Supervisors. In such report they shall describe separately each piece of property which will sustain damage and for which

damages have not been waived, stating the name of the owner, if known, and the amount of damages each will sustain over and above all benefits. They shall also describe separately each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of the damages assessed against the same. In describing the lots to be assessed, reference may be had to a diagram of the property in such assessment district, such diagram to be attached to and made a part of the report of the Board of Public Works. If in any case the Board of Public Works shall find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot of land, or any improvement thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in designation of the owner or owners of any land or improvement or particulars of their interest, shall not affect the validity of the assessment.

Notice of Filing of Report.

Sec. 7. On the filing of said report, the Clerk of the Board of Supervisors shall give notice of such filing by the publication of a notice for at least ten days in the official newspaper. Said notice shall require all persons interested to show cause, if any they have, before the Board of Supervisors, on a day to be fixed by the said Board and stated in said notice, which day shall not be less than twenty days from the first publication thereof, why such report should not be confirmed.

Objections to Report.

Sec. 8. All objections filed in response to said notice to show cause shall be in writing and filed with the Clerk of the Board of Supervisors, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the Board of Supervisors, which shall fix a time not less than fifteen days thereafter for hearing the same, of which time the Clerk shall notify the objectors by notice published in the official newspaper for a period of five days and by depositing a notice, postage prepaid, in the United States Postoffice at San Francisco, addressed to each objector at his last known place of residence, at least ten days before the date of such hearing. At the time set, or at such other time to which the hearing may be adjourned, the Board of Supervisors shall hear such objections and pass upon them, and at such time shall proceed to pass upon such report and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given and had, as in the case of the original report.

Repaving Specifications, Bids and Contracts.

Sec. 9. After the report of the Board of Public Works as to the damages caused by such change of grade has been finally passed upon by the Board of Supervisors, such Board of Public

Works shall prepare detailed plans and specifications subject to the approval of the Board of Supervisors, for regrading, paving, sewering, sidewalking, curbing or otherwise improving such street or streets as set forth in said resolution of intention and shall then advertise for bids to perform the work of regrading, repaving, sewering, sidewalking, curbing or otherwise improving such street or streets, as the case may be, with the same or other material with which the same have been formerly graded, paved, sewered, sidewalked, curbed or otherwise improved; first causing a notice, with such specifications to be posted conspicuously for fifteen days in or near the office of the Board of Public Works, inviting sealed proposals or bids for doing such work, and shall also cause notice of said work, inviting said proposals and referring to the specifications posted and already on file, to be published five days in the official newspaper. All proposals or bids offered shall be accompanied by a check payable to the order of the Clerk of the Board of Supervisors, and certified by a responsible bank for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all the statutory exemptions. Said proposals or bids shall be delivered to the Secretary of the Board of Public Works, and said Board of Public Works shall, in open session, examine and declare the same; *provided, however*, that no proposal or bid shall be received unless accompanied by a check or a bond satisfactory to the Board of Public Works. The Board of Public Works may reject any or all bids and may award the contract to the lowest responsible bidder, or may readvertise for proposals or bids for the performance of the work, as in the first instance, and thereafter proceed in the manner in this section provided; all checks accompanying bids shall be held by the Secretary of the Board of Public Works until the successful bidder has entered into a contract as herein provided, and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into the said fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore provided for the advertising for proposals of such work. Before being entitled to a contract, the successful bidder must advance to the Secretary of the Board of Public Works, for payment by him, the cost of publication of the notices, resolutions, orders, or the incidental expenses and matters required under the proceedings described by this Chapter.

Distribution of Assessment of Costs.

Sec. 10. After such contract has been awarded and entered into, the Board of Public Works shall proceed to assess the cost and expense of doing such work upon all the lots and land lying

within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same according to the benefits it receives from the work. The Board of Public Works in making such assessment shall also include therein the total amount for which each lot, or tract is assessed for the damages resulting from the regrading, repaving, sewering, sidewalking, curbing or otherwise improving such street or streets; *provided,* no assessment for such damages and cost and the expense of such work shall be levied upon any property which will amount to a sum greater than 50 per centum of the value at which said property was assessed upon the last preceding assessment book of the City and County.

Assessment Roll, What Constitutes.

Sec. 11. The Secretary of the Board of Public Works shall forward to the Board of Supervisors a certified copy of the report and assessment as finally adopted by the Board of Public Works, whereupon such report and assessment shall be changed, modified or confirmed by the Board of Supervisors, and upon such modification, change or confirmation thereof, shall be returned to the Board of Public Works and shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works, the assessment therein contained shall become due and payable and shall be a lien upon all the property contained or described therein.

Publication of Notice of Assessment. Delinquent Assessments.

Sec. 12. The Board of Public Works shall thereupon give notice by publication for ten days in the official newspaper, that it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums are to be made to the Board of Public Works within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent; that thereafter the sum of five per cent upon the amount of said delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works, the Secretary thereof shall write the word "paid" and the date of payment opposite the respective assessments so paid, and the name of the person by or for whom the said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days all assessment then unpaid shall be and become delinquent and the Secretary of the said Board of Public Works shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said Secretary of the Board of Public Works shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent and the whole thereof, including the cost of

advertising, which shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed, in the same manner as is or may be provided for the publication of the delinquent list of State and County taxes; and after the date of said delinquency and before the time of such sale therein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the cost of advertising already incurred, shall be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of property affected thereby, shall be published daily for five days in the official newspaper, before the sale of property for such delinquent assessments. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of the Secretary of the Board of Public Works. All property sold shall be subject to redemption for one year and in the same manner as in sales for delinquent State and County taxes; and the Secretary of the Board of Public Works shall, if there be no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold and may collect for each certificate fifty cents, and for each deed one dollar. The deed of the Secretary of the Board of Public Works, made for such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and that all title is in the grantee. The Secretary of the Board of Public Works shall, from time to time, pay over to the City Treasurer all moneys collected by him, or by the Board of Public Works, on account of such assessments, which the City Treasurer shall, upon receipt thereof, place in a separate fund, designating each fund by the name of the street, avenue, square, lane, alley, court or place for the change of grade for which the assessment was made. And the City Treasurer shall transfer to said fund such sum or sums as the Supervisors may have ordered to be paid or advanced for or on account of such improvement out of that fund in the treasury of the City and County from which such appropriation is made. Payment shall be made from said fund to the parties entitled thereto, upon warrants issued by the Secretary of the Board of Public Works on order of said Board.

Notice of Payment of Damages.

SEC. 13. When sufficient money is in the hands of the City Treasurer to pay the total cost for damages, as well as the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the Board of Public Works to notify the owner, possessor or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which may be received at the office of said Board of Public Works. Such notification may be made by depositing a notice, postage paid, in the United States Postoffice, at San Francisco, addressed to his last known place of residence.

If, after the expiration of three days from the service or deposit of the notice in the Postoffice, he shall not have applied for such warrant, the same shall be drawn and deposited with the City Treasurer to be delivered to him upon demand.

Payment to Contractor.

Sec. 14. After the contractor to whom has been awarded the contract for regrading, repaving, sewering, sidewalking, curbing, or otherwise improving such street or streets, has fulfilled his contract to the satisfaction of the Board of Public Works and the City Engineer has certified to the completion of said work, the Secretary of the Board of Public Works, on order of said Board, shall issue a warrant, payable out of said fund, in favor of such contractor in payment for such work.

Supplementary Assessment for Costs.

Sec. 15. In case of a deficiency of the fund to pay the whole assessed cost and damages, the Board of Supervisors may in its discretion, order the balance thereof to be distributed by the Board of Public Works upon the property assessed, by supplementary assessment, or direct the payment of such balance to be made from the City Treasury; but in the event that a supplementary assessment is ordered, in order to avoid delay, the Board of Supervisors may advance such balance out of any available fund in the treasury and reimburse the same from the collection of assessments. The Treasurer shall pay such warrants in the order of their presentation.

Cost of Work May Be Paid Out of City Treasury.

Sec. 16. The Board of Supervisors may, in its discretion, order by ordinance, that the whole or any part of the cost and expense of any of the work hereinbefore in this Chapter mentioned or the damages resulting therefrom, be paid out of the treasury of the City and County from such fund as the Board of Supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the Board of Public Works, in making up the assessment heretofore provided for such cost or expense, shall first deduct from the whole cost and expense such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots and lands in said assessment district, or liable to be assessed for such work, and in the manner hereinbefore provided.—*The foregoing Chapter VI was added by amendment November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, pages 41-47).*

Ordinance May Provide Procedure.

Sec. 17. The provisions in this Chapter relating to the modification or change of street grades or the modification or change of such grades and the performance of street work in connection there-

with, shall not be deemed exclusive, but the Board of Supervisors by a vote of at least fifteen members thereof may, and it is hereby empowered so to do, pass an ordinance, which may from time to time be revised or amended by a like vote, providing for the modification or change of street grades, or the modification or change of such grades and the performance of street work in connection therewith, and the said Board in and by such ordinance is authorized and empowered to adopt a method of procedure therefor and in accordance therewith to provide for and order a modification or change of street grades, or a modification or change of street grades and the performance of street work in connection therewith; to assess, in such manner and by such method as said Board may in and by such ordinance prescribe and provide, the damages, costs and expenses thereof upon lands in private ownership when the payment of such damages, costs and expenses is not otherwise provided for in such ordinance, and when the payment of a portion of such damages, costs and expenses is so otherwise provided for, to assess the remainder thereof upon such lands; to provide for the ascertainment and payment of damages and for the manner in which protests against such assessment and damages awarded may be heard and determined, and for the manner in which such assessment may be collected and paid and property delinquent thereunder may be sold, and to prescribe penalties for failure to pay such assessment; to provide for a lien on lands so assessed for the aforesaid objects and purposes; and to provide for the procedure for fully and completely exercising the powers conferred in this section.

The Board of Supervisors is further empowered to provide in such ordinance, if it be deemed expedient by said Board, that such portion of any assessment levied in pursuance of such ordinance for a modification or change of street grades and the performance of street work in connection therewith, as shall have been assessed for the costs and expenses of such street work performed, may at the option of the owner of property so assessed, be paid in installments covering a period provided for in such ordinance, but not to exceed ten years, upon such terms and conditions as may in such ordinance be provided and in accordance with the method therein prescribed, but the Board of Supervisors shall not require interest to be paid on such installment payments at a rate greater than seven per cent per annum.

No assessment shall be levied in pursuance of such ordinance upon any property for the modification or change of street grades and the performance of street work in connection therewith, which, together with all assessments for street work or for damages or for both in connection with the modification or change of street grades that may have been levied upon the same property during the year next preceding the inception of the proceedings for such modification or change of street grades and the performance of street work in connection therewith, will amount to a sum greater than fifty per centum of the value at which said property was assessed for municipal purposes, exclusive of improvements thereon, upon the assess-

ment-book of the City and County current at the time of the inception of such proceedings. Such limitation of assessed valuation, however, shall not apply to such portion of any assessment made payable in installments as in this section hereinbefore provided for; but in no case shall any such installment payment exceed in amount twenty-five per centum of such assessed valuation.

The provisions of this section shall not be construed to limit or restrict any method or system enacted by any such ordinance as herein provided for to the provisions of such ordinance so enacted, and shall not be held to exclude any other method or system provided in this Charter for the aforesaid objects and purposes.—*New section added by amendment, November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

CHAPTER VIII.

TUNNELS, SUBWAYS AND VIADUCTS.

Section 1. The Board of Supervisors are hereby empowered to order the construction of and construct any tunnel, subway or viaduct in, on, under or over any accepted or unaccepted open public street, avenue, lane, alley, place or court within the City and County, or any other land of the City and County, or in, on, under or over any land or water in which and where the City and County may then have an easement or right of way therefor, and to levy the damages, cost and expenses thereof upon private property in the manner and under the procedure and powers in Chapter II of this Article provided for street work and street improvement. Said method of procedure shall not be deemed exclusive, but the Board of Supervisors may, by an affirmative vote of at least twelve of its members, adopt an ordinance which may from time to time be revised or amended, providing a method of procedure for such improvement, work and assessment and for the ascertainment and payment of damages and for the manner in which protests against such assessments and damages awarded may be heard and determined, and for the manner in which such assessment may be collected and paid and property delinquent thereunder may be sold, and for the procedure for fully and completely exercising the powers conferred in this section; and in such ordinance, if said Board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon such conditions as to the said Board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum.

Sec. 2. The Board of Supervisors are hereby empowered to authorize the acquisition, by purchase or condemnation and to acquire by purchase, or to condemn and acquire, any and all land, or any easement or right of way therein, thereon, thereunder or thereover, and any property necessary and convenient for any purpose mentioned in Section 1 of this Chapter, and to levy the

damages, costs and expenses thereof upon private property, in the manner and under the procedure and powers in Chapter III of this Article provided, for the opening, extending, straightening and closing up, in whole or in part, of any street, avenue, lane, alley, court or place. But said method of procedure shall not be deemed exclusive, but the Board of Supervisors may by an affirmative vote of at least twelve of its members, adopt an ordinance, which may from time to time be revised or amended, providing a method of procedure for such acquisition and for the ascertainment and payment of damages and for the manner in which protests against such assessments and damages awarded may be heard and determined, and for the manner in which such assessment may be collected and paid and property delinquent thereunder may be sold, and for the procedure for fully and completely exercising the powers conferred in this section; and in such ordinance, if said Board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon such conditions as to the said Board may seem reasonable and just, the rate of interest to be paid on such payment not to exceed seven per cent per annum. Lands or property which the Supervisors deem necessary to take the place of such portion of the street or streets as may be used in the construction of the tunnel, including its portals and approaches, and to restore to the street surface travel thereon are hereby declared to be necessary and convenient lands or property for the purposes mentioned in Section 1.

Sec. 3. If the Board of Supervisors deems it expedient, the construction and acquisition mentioned in Sections 1 and 2 of this Chapter may be initiated and completed in one proceeding; and in exercising the power to provide by ordinance for methods of procedure hereinbefore provided for such ordinance may provide for a single procedure for the work mentioned in Section 1 and the acquisition mentioned in Section 2 of this Chapter. Any existing ordinance providing a method of procedure for the work mentioned in Section 1 of this Chapter may be amended so that it may also provide a method of procedure for the acquisition mentioned in Section 2 of this Chapter. But the Supervisors may, in any case, determine to proceed with the work mentioned in Section 1 hereof and with the acquisition mentioned in Section 2 hereof in separate proceedings.

Sec. 4. The Board of Supervisors may, in its discretion, order that the whole or any part of the costs and expenses of any of the work or acquisitions in Sections 1 and 2 of this Chapter mentioned, or the damages resulting therefrom, be paid out of the treasury of the City and County from such funds as the Board of Supervisors may designate. Such discretion may be exercised by the Board of Supervisors at any time prior to the time of making an assessment therefor. Whenever a part of such damages, cost or expense is so ordered to be paid, before the making of an assessment therefor, the Board of Public Works, in making up the assessment providing

for such damages, cost or expense, shall first deduct from the whole damages, cost and expense such part thereof as has been ordered to be paid out of the municipal treasury and shall assess the remainder proportionately upon the lots, parts of lots, and lands in the assessment district or districts liable to be assessed therefor.

Sec. 5. No person, firm or corporation shall ever be granted the exclusive right to operate a street or other railroad through, in or under any tunnel, subway or viaduct constructed or acquired under the provisions of this Chapter. Two or more lines of street railways operated under different managements may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly. The City and County in the operation of a municipal railway may use any such tunnel, subway or viaduct either singly or jointly with any privately operated railway for the entire length thereof and for any number of blocks approaching each end thereof; and in case of joint use of tracks shall pay an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly.

Sec. 6. Two or more tunnels to be constructed in pursuance of one general plan may be so constructed under one proceeding and any or all acquisitions or condemnations of lands or easements or rights of way therein and any property necessary and convenient for the same may be acquired or condemned in the same proceedings and the property benefited may be assessed for the costs, damages and expenses thereof according to the benefit from such general plan.

This Chapter amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).

ARTICLE VII.

PUBLIC SCHOOLS AND LIBRARIES.

CHAPTER I.

THE BOARD OF EDUCATION.

Directors. Salary. Term.

Section 1. The School Department shall be under the control and management of a Board of Education composed of four School Directors, who shall be appointed by the Mayor, and who shall give their entire time to the duties of their office. They shall each receive an annual salary of three thousand dollars. They shall not be less than thirty years of age and must have been residents of the City and County for at least five years prior to their appointment. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Directors shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

President. Secretary. Salary.

Sec. 2. The Board shall organize by electing one of its number President, who shall serve for one year and until his successor is elected. The Board may elect a Secretary who shall not be a member of the Board, and who shall receive an annual salary of eighteen hundred dollars.

Meetings. Rules.

Sec. 3. The Board shall meet at least once a week and at such other times as it may determine. It shall establish rules for its proceedings; but the concurrent vote of a majority of its members shall be necessary to transact business. In every instance where a power is exercised under this Article by the Board the vote thereon shall be taken by ayes and noes and entered in the minutes of the Board.

CHAPTER II.

SCHOOLS.

School Department.

Section 1. The School Department shall comprise all the public schools of the City and County and shall include primary and grammar schools and may include evening, deportment, technical, cosmopolitan, high and normal schools.

Night Schools.

Sec. 2. Adults shall be entitled to free instruction in the evening schools; but no child under fourteen years of age shall be admitted to such schools.

CHAPTER III.

POWERS OF THE BOARD OF EDUCATION.

Powers of Board of Education.

Section 1. In addition to the powers conferred by the general laws of the State, the Board of Education shall have power:

Establish and Change Schools.

1. To establish and maintain public schools as provided in this Article, and to change, modify, consolidate or discontinue the same as the public welfare may require.

Teachers. Salaries. Promotion and Dismissal.

2. To employ such teachers and persons as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient cause the whole or any part of the wages, salary or compensation of any person or persons employed as aforesaid; and to promote, transfer and dismiss teachers; but no teacher in the department at the time of the adoption of this Charter, or who shall be hereafter appointed, shall be dismissed from the department, except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. All promotions of teachers shall be based solely on merit and successful teaching. Nothing in this section shall be construed to prevent the Board from removing teachers holding only special certificates or serving a probationary term. Charges against teachers must be formally made by the Superintendent after due investigation, and shall be finally passed upon by the Board after giving the accused teacher due hearing.

Certificates.

3. To grant, to renew and, for the causes mentioned in Section 1, Subdivision 2 of this Chapter, to revoke teachers' certificates.

Rules and Regulations.

4. To establish and enforce all necessary rules and regulations for the government and efficiency of the schools and for carrying into effect the school system; to remedy truancy; to compel the attendance at school of children between the ages of six and fourteen years who may be found idle in public places during school hours.

Investigate Charges.

5. To investigate charges against any person connected with or in the employ of the School Department, and to take testimony in such investigations.

Hold and Lease Property.

6. To receive, to take on lease and to hold in trust for the City and County any real estate belonging to or claimed by the School Department. To hold in trust all personal property that may have been or may hereafter be acquired by the School Department. *Pro-*

vided, however, that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22, 1910) is authorized to assume and take over the management and control, and have the exclusive possession and use, of any lands belonging to or claimed by the School Department or by the City and County, which are situate westerly from Twentieth avenue, and not in actual use, for the purposes of an exposition to celebrate the completion of the Panama Canal, such management and control, possession and use, to terminate not later than one year after the closing of such exposition.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Census Marshals.

7. On or before the first day in April in each year, to appoint School Census Marshals, and notify the Superintendent of Common Schools of such appointments. Any Census Marshal found incompetent may be discharged by the Superintendent of Common Schools. Should the Board fail or neglect to fill the vacancy so caused within three days thereafter by the appointment of a person competent to perform the duties of Census Marshal, such vacancy may be filled by the Superintendent of Common Schools.

Actions.

8. To sue in the name of the City and County for lots, lands and property belonging to or claimed by the School Department. To prosecute and defend all actions at law or special proceedings or suits in equity concerning the enjoyment and possession of such lots, lands and property. To require the services of the City Attorney in all actions, suits and proceedings by or against the Board of Education.

Disbursement of Moneys. Segregation of Fund.

9. To establish regulations for the disbursement of all moneys belonging to the School Department or to the Common School Fund, and to secure strict accountability in the expenditure thereof; to provide for the prompt payment, on not later than the fifth day of every month, of all salaries due and allowed officers, teachers and other employees of the School Department. For this purpose the Auditor shall annually segregate so much of the Common School Fund as shall not exceed twenty-eight dollars for each pupil in average daily attendance in the Public Schools of the City and County during the preceding fiscal year. The amount so segregated shall not be applied to the payment of any demand against such Common School Fund during any fiscal year other than for salaries, until all salaries for that fiscal year have been fully paid or provided for. The Board shall ascertain and transmit to the Auditor on or before the first Monday in April of each year an estimate of the amount required for such segregation within such limit of twenty-eight dollars.

Demands to Be Filed and Signed. Salary Roll.

10. All demands payable out of the Common School Fund shall be filed with the Secretary of the Board of Education, and after they have been approved by the Board, they shall be signed by the President of the Board and the Superintendent and sent to the Auditor. Every demand shall have endorsed upon it a certificate, signed by the Secretary, of its approval by the Board of Education, showing the date thereof, and the law authorizing it by title, date and section. Every person in the employ of the School Department entitled to a salary therefrom shall receive a warrant for the amount due and approved by the Board, signed by the President and Secretary thereof. The entire monthly salary roll of the Department shall be made up by the Secretary of the Board, and after being duly audited by the Finance Committee thereof and approved by a majority of all the members of the Board, shall be endorsed in the same manner as other demands. The salary roll so audited, approved and endorsed, shall be immediately transmitted to the Auditor not later than the third day of every month for comparison with the individual salary warrants issued in the manner above provided: but payment shall be made only on the individual warrants issued in accordance herewith.

Leasing of School Property.

11. To lease to the highest responsible bidder, for the benefit of the Common School Fund, for a term not exceeding thirty-five years any real property of the School Department not required for school purposes; but no lease shall be made except after advertisement for bids for at least sixty days in the official newspaper and one other daily newspaper of general circulation, published in the City and County, and by an affirmative vote of at least three members of the Board of Education and approved by an ordinance of the Board of Supervisors, passed by a vote of at least fifteen of its members, and approved by the Mayor; *and provided* that at the expiration of the term of said lease all buildings and improvements erected shall revert to and become the property of the School Department of the City and County.—*As amended November 5, 1907: approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 55).*

Trust Funds.

12. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school library; to carry into effect the terms of any bequest not in conflict with the general laws or this Charter; and to sell such personal property as shall no longer be required for use in the schools. All moneys realized by such sales shall be at once paid into the treasury to the credit of the Common School Fund.

Proposals for Supplies. Provisions Governing Proposals.

Sec. 2. The Board shall annually, before the first day of May, make a list of supplies estimated to be required by the School Department for the ensuing fiscal year, stating in clear and explicit terms the quantity and kind of articles needed and how and when they shall be delivered, and shall invite proposals for furnishing the same by advertising therefor for at least ten days in the official newspaper.

The provisions of Article II, Chapter III, of this Charter, in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals; the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the School Department. Any contract made in violation of any provision of this Article shall be void.

Annual Report to Supervisors.

Sec. 3. The Board shall, during each year, transmit to the Supervisors a report in writing for the preceding fiscal year, stating the number of schools within its jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the average daily attendance of pupils in all the public schools, the number, names and salaries of teachers, the dates of their appointments and the character of the certificates held by them, the amount of money drawn from the treasury by the Department during the year, distinguishing the State fund from all others, the purpose for which such money has been expended, with particulars, and such other information as may be required by the State Superintendent, the Supervisors or the Mayor.

Schedule of Salaries.

Sec. 4. The Board shall, between the first and twenty-first days of May of each year, adopt a schedule of salaries for the next ensuing fiscal year for teachers and all employees of the School Department.

CHAPTER IV.

SUPERINTENDENT OF SCHOOLS.

Member of Board. Salary.

Section 1. The Superintendent of Schools of the City and County shall be elected by the qualified electors thereof at each gubernatorial election.

He shall be by virtue of his office a member of the Board of Education. He shall receive an annual salary of four thousand dollars.—*As amended March 16, 1915; approved by the Legislature April 1, 1915 (Statutes, 1915, page 1807).*

Deputy Superintendents.

Sec. 2. The Superintendent shall appoint four Deputy Superintendents. The number of such deputies shall not be increased until the average daily attendance shall have reached forty-five thousand, when the Superintendent shall appoint one additional deputy and thereafter he shall appoint one deputy for each additional eight thousand children in average daily attendance. If from any cause a vacancy occurs in the office of Deputy Superintendent, such vacancy shall be filled by the Superintendent.

Term of Deputies.

Sec. 3. Of the Deputy Superintendents first appointed, the Superintendent shall appoint two for two years and two for four years. All Deputy Superintendents subsequently appointed shall hold office for four years.

Qualifications of Deputies.

Sec. 4. Such deputies must have had at least ten years' successful experience as teachers, and shall have been residents of the City and County at least five years preceding their appointment.

Duties of Superintendent.

Sec. 5. In addition to the duties imposed by the general laws of the State, it shall be the duty of the Superintendent:

Enforce Rules.

1. To observe and enforce all rules and regulations of the Board of Education and to see that no religious or sectarian books or teachings are allowed in the schools.

Annual Report to Board.

2. To report to the Board of Education annually, on or before the twentieth day of August, and at such other times as the Board may require, all matters pertaining to the condition and progress of the public schools of the City and County during the fiscal year, with such recommendations as he may deem proper.

Recommendations.

3. To inform the Board of the condition of the schools, school houses and of other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the City and County, and for the care and improvement of the property of the School Department.

Visit All Schools.

4. To visit and examine, with the assistance of his deputies, all the schools at least twice a year, and determine their standing and classification. To recommend rules for the promotion of pupils from grade to grade, from school to school, and for the transfer and the graduation of pupils.

Studies and Text-Books.

5. To recommend to the Board the courses of studies, the text-books and books for supplementary use in the public schools and

the purchase of such apparatus, books, stationery and other classroom supplies as may be required in the schools.

Standing of Schools.

6. To report to the Board once a month upon the standing of schools examined by him and his deputies.

City Board of Examination. Powers.

Sec. 6. The Superintendent and his Deputies shall constitute the City Board of Examination, and shall have power:

To Examine Applicants.

1. To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to receive:

a. A high school certificate, valid for six years, which shall authorize the holder to teach any primary, grammar, or high school in the City and County.

b. A City certificate, grammar grade, valid for six years, which shall authorize the holder to teach any primary or grammar school in the City and County.

c. A City certificate, primary grade, valid for two years, which shall authorize the holder to teach any primary school in the City and County. They shall report the result of the examination to the Board of Education, and the Board shall thereupon issue to the successful candidates the certificates to which they shall be entitled.

Special Certificates.

2. To recommend applicants for special certificates valid for a period not to exceed six years, upon such special studies as may be authorized by the Board of Education.

Revocation of Certificates.

3. For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the Board of Education the revocation of any certificates previously granted by the Board.

Recommend City Certificates.

4. To recommend the granting of City certificates, and the renewal thereof, in the manner provided for the granting and renewal of County certificates by County Board of Education in section seventeen hundred and seventy-five of the Political Code.

CHAPTER V.

SCHOOL TAX LEVY.

Annual Estimate. Limit of Aggregate Amount.

Section 1. The Board of Education shall, on or before the first Monday of April in each year, report to the Supervisors an estimate of the amount which shall be required during the ensuing fiscal year for the purpose of meeting the current annual expenses of public instruction in the City and County specifying the amount

required for supplies to be furnished pupils, including text-books for indigent children; for purchasing and procuring sites; for leasing rooms or erecting buildings; for furnishing, fitting up, altering, enlarging and repairing buildings; for the support of schools organized since the last annual apportionment; for the salary of the School Directors, Superintendent, Deputy Superintendents, and all other persons employed in the School Department, and for other expenditures necessary for the administration of the Public School system; but the aggregate amount so reported for any one year shall not exceed the sum of thirty-two dollars and fifty cents for each pupil, who in the fiscal year immediately prior thereto actually attended the schools entitled to participate in the apportionment thereof.

Common School Fund.

Sec. 2. The Supervisors at the time and in the manner of levying and collecting other City and County taxes shall levy and cause to be collected for the Common School Fund a tax which, added to the revenue derived from other sources, shall produce an amount of money which shall not exceed thirty-two dollars and fifty cents for each pupil in attendance during the preceding fiscal year, as ascertained and reported by the Board of Education.

Extraordinary Expenditures.

Sec. 3. In case of extreme emergency or great calamity, such as disaster from fire, riot, earthquake or public enemy, the Board of Education may, with the approval of the Mayor or Supervisors, incur extraordinary expenditures in excess of the annual limit provided for in this Charter, for the repair and construction and furnishing of school houses in place of those so injured or destroyed. The Supervisors may, by ordinance, cause to be transferred to the Common School Fund, from moneys in any fund not otherwise appropriated, sufficient money to liquidate such expenditure, and provide for the same in the next tax levy of the City and County.

CHAPTER VI.

SCHOOL HOUSES AND LOTS.

New School Houses. Plans and Estimates.

Section 1. When any locality in the City and County is unprovided with sufficient school accommodations, the Board of Education may, by resolution, make a requisition upon the Board of Public Works for plans and specifications and estimates for a new school house, specifying the number of class rooms needed, the location of the proposed school house, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and such other information as will enable the Board of Public Works to prepare the necessary plans, specifications and estimates of cost for such school house.

If such plans, specifications and estimates are approved by the Board of Education they shall be endorsed "Approved," with the

date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, which shall proceed without delay to have such school house constructed and completed in accordance therewith.

When such school house is completed, the Board of Public Works shall notify the Board of Education to examine the same, and if it has been built in accordance with the plans and specifications and within the estimated cost thereof, the Board of Education shall accept and take possession of it.

Repairs by Board of Public Works.

Sec. 2. When any school house, building, fence or other property belonging to, or connected with or under the control of, the Board of Education, needs repairing, altering or improving, the Board shall notify the Board of Public Works, specifying in general terms the work to be done. The Board of Public Works shall cause the same to be done forthwith, if the cost thereof shall not exceed two hundred and fifty dollars; otherwise the Board of Public Works shall submit plans, specifications and estimates of cost to the Board of Education for its approval, and if approved as provided in section one of this Chapter, the Board of Public Works shall cause the same to be done, and if done in accordance with the plans and specifications, and within such estimate, the same shall be accepted and shall be paid for out of the Common School Fund.

Purchase of Lots.

Sec. 3. When it is necessary to purchase a lot for the use of the School Department, the price paid for such lot shall not exceed the market value of adjacent property of equal size and similarly situated. Any school building hereafter constructed shall have a clear space of at least ten feet around the same.

CHAPTER VII.

PUBLIC LIBRARY AND READING ROOM.

Board of Trustees. How Constituted.

Section 1. The Public Library and Reading Rooms of the City and County shall be under the management of a Board of twelve Trustees, one of whom shall be the Mayor of the City and County, who shall be a member of the Board by virtue of his office. The Board of Trustees of said Library and Reading Rooms in office at the time this Charter shall take effect shall continue to constitute the Board of Trustees of said Public Library and Reading Rooms; and all vacancies therein shall be filed by said Board. None of said Trustees shall receive any compensation for his services.

Library Fund. Amount of Tax.

Sec. 2. The Supervisors shall, for the purpose of maintaining such Library and Reading Rooms and such branches thereof as the Board of Library Trustees may from time to time establish,

and for purchasing books, journals and periodicals, and for purchasing or leasing real and personal property and for constructing such buildings as may be necessary, annually levy a tax on all property in the City and County not exempt from taxation which shall not be less than one and one-half cents nor more than two and one-half cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the Library Fund.

Gifts and Bequests to Library Fund.

Sec. 3. All revenue from such tax, together with all money or property derived by gift, devise, bequest or otherwise, for the purposes of the Library, shall be paid into the treasury and be designated as the Library Fund and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same and the application thereof to the use of the Library and Reading Rooms, in accordance with the terms and conditions of such gift, devise or bequest.

Title to Vest in City and County.

Sec. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest or otherwise, for the purpose of the Library and Reading Rooms, when not inconsistent with the terms of its acquisition, shall vest in the City and County, and in the name of the City and County may be sued for and defended by action at law or otherwise.

Powers of Board, Officers and Employees.

Sec. 5. The Board shall take charge of the Public Library and Reading Rooms, and the branches thereof, and of all real and personal property thereunto belonging or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest. It shall meet for business purposes at least once a month, and at such other times as it may appoint, in a place to be provided for the purpose. A majority of the Board shall constitute a quorum for the transaction of business. It shall elect one of its number President, who shall serve for one year and until his successor is elected, and shall elect a Librarian and Secretary and such assistants as may be necessary. The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

Powers of Board.

Sec. 6. The Board, by a majority vote of all its members to be recorded in its minutes with the ayes and noes, shall have power:

Rules and Regulations.

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the Library and Reading Rooms and branches thereof, and all property belonging thereto, or that may be loaned thereto.

Administer Trusts.

2. To administer any trust declared or created for such Library and Reading Rooms and branches thereof, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto.

Appoint and Remove Assistants.

3. To define the powers and prescribe the duties of all officers; determine the number of and elect all necessary subordinate officers and assistants, and for good and sufficient cause to remove any officer or assistant.

Purchase Books.

4. To purchase books, journals, publications and other personal property.

Payments From Library Fund.

5. To order the drawing and payment upon vouchers, certified by the President and Secretary, of money from the Library Fund for any liability or authorized expenditure.

Fix Salaries. Buildings.

6. To fix the salaries of the Librarian and Secretary and their assistants; and, with the approval of the Supervisors expressed by ordinance, to erect and equip such building or buildings, room or rooms, as may be necessary for the Library and Reading Rooms and branches thereof.

Branches.

7. To establish such branches of the Library and Reading Rooms as the growth of the City and County may from time to time demand.

Supervisors May Authorize Use of Real Estate for Library Purposes.

Sec. 7. The Supervisors shall have power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the City and County, for the purpose of erecting and maintaining a building or buildings thereon to be used for the Library and Reading Rooms, or branches thereof, and may appropriate the whole or any portion of any public building belonging to the City and County for such use.

ARTICLE VIII.

POLICE DEPARTMENT.

CHAPTER I.

ORGANIZATION.

Consists Of.

Section 1. The Police Department shall consist of a Board of Police Commissioners, a Chief of Police, a Police Force, and of such clerks and employees as shall be necessary to carry into effect the provisions of this Article.

Term of Members.

Sec. 2. All members of the Police Department shall hold office during good behavior, subject to the provisions hereinafter set forth relating to promotions, suspensions, dismissals and disratements.

Qualification of Members.

Sec. 3. No person shall become a member of the Department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the City and County for at least five years next preceding his appointment. Every appointee to the Department shall not be less than twenty-one nor more than thirty-five years of age, must possess the physical qualifications required for recruits of the United States Army, and before his appointment must pass a satisfactory medical examination under such rules and regulations as may be prescribed by the Board of Police Commissioners. In making appointments of members of the Department, the Board shall never regard the political or religious preferences or affiliations of any candidate.

CHAPTER II.

POLICE COMMISSIONERS.

Appointed by Mayor. Salary.

Section 1. The Police Department shall be under the management of a Board of Police Commissioners consisting of four members who shall be appointed by the Mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed such Commissioner who shall not have been an elector of the City and County for at least five years next preceding his appointment.

Political Affiliations. Term.

Sec. 2. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

Successors in Office.

Sec. 3. The Commissioners shall be successors in office of the Police Commissioners holding office in the City and County at the time this Charter shall go into effect by virtue of appointment under any statute or law of this State.

President. Secretary. Salary.

Sec. 4. The Police Commissioners shall organize by electing one of their number President, who shall hold such office for one year. The Board shall appoint a Secretary, who shall receive an annual salary of fifteen hundred dollars. The sessions of the Board shall be public, except that executive sessions may be held whenever deemed proper by the Board. The Board shall meet at least once a week in the rooms of the Police Department, or in case of public emergency at such place as the Board may select. The Secretary must keep minutes of its proceedings; and in every case where a power is exercised by the Board under this Article the ayes and noes thereon shall be entered therein.

CHAPTER III.

POWERS OF BOARD.

Powers of Commissioners.

Section 1. The Board of Police Commissioners shall have power:

Appoint and Dismiss.

1. To appoint, promote, suspend, disrate or dismiss any member of the Department in the manner hereinafter provided.

Rules and Regulations.

2. To prescribe rules and regulations for the government, discipline, equipment and uniform of the Department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any of such rules and regulations. All such rules and regulations must be reasonable.

Permits for Sale of Liquor. Hearing of Persons Refused Permits.

3. To grant permits to any person desiring to engage in the sale of liquor in less quantity than one quart, and to grant permits to any person engaged in the business of selling liquor to be drunk on the premises, and to revoke any such permit when it shall appear to the Board that the business of the person to whom such permit was given is conducted in a disorderly or improper manner. Without such permit none of such persons shall engage in the business of selling liquor. If the Board refuse to grant such permit, or propose to revoke any permit that has been granted, the person who is refused such permit or whose permit it is proposed to revoke, shall be entitled to be heard before the Board in person, or through counsel, and to have, free of charge, all reasonable facilities at the hearing. Such permits shall not be granted for more than three months at one time, and they shall

distinctly state the name of the person to whom the same is given and the description of the premises where such business is to be carried on. Such permits shall at all times be subject to inspection by any member of the Department. Complaints to revoke permits granted by the Board must be in writing, signed by the person making the same and filed with the Secretary of the Board; and a copy thereof certified by the Secretary must be served upon the party complained against, at least five days before the time set for the hearing of the complaint.

Special Police Officers.

4. At its discretion, upon the petition of any person, firm or corporation, to appoint, and at pleasure to remove, special police officers. Such officers shall be subject to all the rules and regulations of the Board.

Sale and Disposition of Unclaimed Property.

5. To provide for the care, restitution or sale at annual public auction of all unclaimed property that may come into the possession of the Property Clerk, and to direct the destruction of such property as shall consist of implements, weapons, property or any other article, matter or thing used in the commission of crime.

Police Matrons.

6. To appoint Police Matrons for the care of female prisoners and to provide rules and regulations for the government of the same.

Police Surgeon.

7. To appoint a Police Surgeon, who shall receive an annual salary of fifteen hundred dollars.

Investigations of Police Department.

8. The Board shall, of its own motion, and without the filing or presentation of any complaint, have power to initiate and conduct investigations of all matters affecting or relating to affairs of the Police Department or the discipline of the members thereof, and for the conduct of such investigations, shall have power to take and hear testimony touching the matters under investigation, administer oaths and affirmations, and upon such investigations, and upon the trial or hearing of all matters, jurisdiction to try or hear which is given by this Charter to said Board, shall have power to issues subpœnas for the attendance of witnesses and the production of books, papers and documents pertinent to the matter under investigation, or to said trial or hearing. Whenever any person subpœnæd to appear and give testimony or to produce such books, papers or documents as required by such subpœna, shall refuse to appear or testify before said Board, or to answer any questions which the majority of said Board shall decide to be proper and pertinent, he shall be deemed in contempt of said Board, and it shall be the duty of the President of said Board to report the fact

to the presiding judge of the Superior Court of the City and County of San Francisco, State of California, who shall thereupon issue an attachment in the form usual in said Superior Court, directed to the Sheriff of said City and County, commanding said Sheriff to attach such person and forthwith bring him before said presiding judge of said Superior Court. On the return of said attachment, and the production of the person attached, the said presiding judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed and the same punishment inflicted as in the case of a witness subpœnæd to appear and give evidence on the trial of a civil cause before a Superior Court of the State of California. Any member of said Board shall have power to issue any subpœna herein provided for.—*New subdivision added by amendment December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Permits Other Than Liquor.

9. To grant or refuse to grant permits to any person engaged or desiring to engage in business as a pawnbroker, peddler, junk-shop keeper, dealer in second-hand merchandise, auctioneer and intelligence office keeper, and such other characters of business or callings as may hereafter be required by ordinance enacted by the Board of Supervisors to obtain permits from this Board, and to revoke any such permit where it shall appear to the Board that the business or calling of the person to whom such permit was granted is conducted in a disorderly or improper manner, or that the place where such business is being conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling. Before granting any such permit or revoking a permit already granted, the applicant or person holding such permit shall be entitled to be heard before said Board in person or by counsel. Such permit shall distinctly state the name of the person to whom the same is given, the character of business or calling to be conducted and a description or designation of the premises where such business is to be so conducted. Such permits shall at all times be subject to inspection by any member of the Department. Complaints to revoke permits granted by the Board must be in writing, signed by the person making the same and filed with the Secretary of the Board; and a copy thereof certified by the Secretary must be served upon the person holding such permit, who shall be given reasonable notice of the time set for the hearing of the complaint.—*New subdivision added by amendment November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

Special Meetings.

Sec. 2. The President may convene the Board for special meetings. The Secretary of the Board shall be the official custodian of all records and official documents of the Board.

CHAPTER IV.

THE CHIEF OF POLICE.

Term. Salary. Powers. Duties.

Section 1. The Chief of Police shall be appointed by the Board of Police Commissioners and hold office for the term of four years. He shall receive an annual salary of four thousand dollars. He shall have control, management and direction of all members of the Department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to suspend temporarily any member of the Department. In all cases of such suspension, he shall immediately report the same to the Board, with the reasons therefor in writing. He shall maintain and enforce law and rigid discipline so as to secure complete efficiency of the Department. He shall, subject to the directions and orders of the Commissioners, have control of such of the prisons of the City and County as are not by the general law under the control of the Sheriff.

Powers and Duties. Riots.

Sec. 2. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, the Chief of Police shall, in the lawful exercise of his functions, have all the powers that are now or may be conferred on Sheriffs by the laws of the State.

Chief Executive Officer of the Department.

Sec. 3. The Chief of Police shall be the chief executive officer of the Department. He shall be chargeable with and responsible for the execution of all laws and ordinances and the rules and regulations of the Department. He shall see that the orders and process issued by the Police Court and such other orders and process as may be placed in his hands are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the general rules and regulations of the Commissioners.

Law Books in Office.

Sec. 4. The Chief of Police shall keep a public office, in which he shall have the Statutes of this State and of the United States, and all necessary works on criminal law. In case of his temporary absence, some competent member of the Department, by him designated for that purpose, shall be in attendance at all hours of the day and night; and in such case he shall make known to such member of the Department where he can be found.

Bailiffs in Police Court. Appointees. Salaries.

Sec. 5. The Chief of Police shall detail one or more of the members of the Department to attend constantly on the Police Court and to execute its orders and process. He shall detail at his pleasure members of the Department to act as his Chief Clerk, Assistant Clerks, Prison Keepers and Property Clerk. Said Chief Clerk

and said Property Clerk shall each receive an annual salary of two thousand six hundred and forty dollars.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

Contingent Fund. Total Disbursements.

Sec. 6. The Chief of Police may from time to time disburse such sums for contingent expenses of the Department as in his judgment shall be for the best interest of the City and County, to be paid out of the contingent fund allowed the Department. The aggregate of all such sums shall not in any one fiscal year exceed the sum of ten thousand dollars. Provision shall be made by the Supervisors for such contingent fund in the annual tax levy. The Commissioners shall allow and order paid out of such contingent fund, as contingent expenses of the Police Department, upon orders signed by the Chief of Police, such amounts as may be required.

Control Over Pawnshops, Peddlers, Etc.

Sec. 7. The Chief of Police shall possess powers of general police inspection, supervision and control, over all pawnbrokers, peddlers, junk-shop keepers, dealers in second-hand merchandise, auctioneers and intelligence office keepers. All persons engaged in said callings must first procure permits from the Commissioners. In the exercise of such power the Chief may by authority in writing from time to time empower members of the Police Department, when in search of property feloniously obtained or in search of suspected offenders, or in search of evidence to convict any person charged with crime, to examine the books and the premises of any such person. Any such member of the Police Department, when thereunto empowered in writing by the Chief of Police, may examine property alleged to have been pawned, pledged, deposited, lost, strayed or stolen.

CHAPTER V.

SUBORDINATE OFFICERS.

Salaries of.

Section 1. Subordinate officers of the Police Department shall consist of Captains, who shall each receive an annual salary of two thousand six hundred and forty dollars; Lieutenants, who shall each receive an annual salary of two thousand one hundred and sixty dollars; Sergeants, who shall each receive an annual salary of one thousand nine hundred and twenty dollars; and corporals, who shall each receive an annual salary of one thousand eight hundred dollars.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

Captains' Duties.

Sec. 2. There shall be one Captain for each one hundred police officers. The duties of Captains shall be defined by the rules and

regulations of the Commissioners and by the orders of the Chief of Police.

Lieutenants' Duties.

Sec. 3. There shall be one Lieutenant for every fifty police officers. The duties of Lieutenants shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police, and by the orders of their respective Captains.

Sergeants' Duties.

Sec. 4. There shall be as many Sergeants as in the judgment of the Commissioners may be advisable, not to exceed one Sergeant for every ten police officers. The duties of Sergeants shall be defined by the rules and regulations of the Commissioners, the orders of the Chief of Police, and the orders of their respective Captains and Lieutenants.

Corporals' Duties.

Sec. 5. There shall be as many Corporals as in the judgment of the Commissioners may be advisable. The duties of the Corporals shall be defined by the rules and regulations of the Commissioners, the orders of the Chief of Police, and the orders of their respective Captains, Lieutenants and Sergeants.

Detectives. Captain of Detectives.

Sec. 6. The Chief of Police may detail for detective duties such members of the Department as he may select, not to exceed twenty-five. He shall designate a Captain of Police to act as Captain over the officers so detailed, who shall receive an annual salary of three thousand dollars. Such Captain shall rank as Captain of Detectives, and his duties shall be defined by the Commissioners and by the Chief of Police. The members so detailed shall be known and ranked as Detective Sergeants. Each of said Detective Sergeants shall receive an annual salary of one thousand nine hundred and twenty dollars. They may be removed at any time from such detail by the Chief of Police. Their duties shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police, and by the orders of the Captain of Detectives.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes 1919).*

CHAPTER VI.

POLICE OFFICERS.

Police Force: Number and Salaries.

Section 1. The police force of the City and County shall not exceed one police officer for each five hundred inhabitants thereof. Police officers shall each receive an annual salary of one thousand seven hundred and four dollars.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes 1919).*

Police Patrol Drivers.

Sec. 1½. In addition to the Police Force provided for in Section 1 of this Chapter, there shall be not to exceed three Police Patrol Drivers for each Police Company, each of which drivers shall receive an annual salary of not less than $1464; and said Police Patrol Drivers shall, for the purpose of receiving a pension, be considered a part of the Police Force, and shall be subject to the provisions and entitled to the benefits of Chapter X of Article VIII of the Charter.—*New section added by amendment November 5, 1918; approved by the Legislature January 17, 1919 (Statutes 1919).*

Property of Prisoners.

Sec. 2. Every Police Officer shall, upon the arrest of any person charged with the commission of crime, search the person of such offender, and take from him all property and weapons, and forthwith deliver the same to the prison-keeper, who must deliver the same to the Property Clerk, to be by him kept until other disposition be made thereof according to law.

Ex-Officio Health Officers.

Sec. 3. Police Officers shall be health officers by virtue of their office.

CHAPTER VII.

PROMOTIONS, SUSPENSIONS, DISMISSALS AND DISRATEMENTS.

Promotions.

Section 1. All promotions in the Department shall be from the next lowest rank, seniority of service and meritorious public service being considered.

Violation of Rules.

Sec. 2. Any member of the Department guilty of any offense, or violation of rules and regulations, shall be liable to be punished by reprimand, or by fine to be fixed by the Commissioners, or by dismissal from the Department; but no fine shall ever be imposed at any one time for any offense exceeding one month's salary.

Fair Trial Before Dismissal or Punishment.

Sec. 3. No member of the Department shall be subject to dismissal for any cause, or to punishment for any breach of duty or misconduct therein, except after a fair and impartial trial before the Commissioners upon a verified complaint filed with the Board setting forth specifically the acts complained of, and after such reasonable notice to him of the time and place of hearing as the Board may by rule prescribe. The accused shall be entitled upon such hearing to appear personally and by counsel; to have a public trial; and to secure and enforce free of expense to him the attendance of all witnesses necessary for his defense.

CHAPTER VIII.

UNCLAIMED AND STOLEN PROPERTY.

Lost, Stolen or Unclaimed Property.

Section 1. All property or money taken under suspicion of having been stolen or feloniously obtained, the result of crime or constituting the proceeds of crime, and all property or money taken from intoxicated or insane persons, or other persons incapable of taking care of themselves, or property or money lost or abandoned that may in any way come into the possession or custody of any member of the Department, or of any Criminal Court or Judge of the City and County, shall be delivered to the Property Clerk, who shall enter in a Record Book, to be kept by him for that purpose, a full and explicit description of the same, together with the name of the person or persons from whom received, the names of any claimants thereto, the time of the seizure and the final disposition thereof.

Property of Innocent Persons to Be Returned.

Sec. 2. When property or money taken from any person arrested, or otherwise under suspicion of having been feloniously obtained, or of being the proceeds of crime, is brought with the claimant thereof and the person arrested before a Court for examination and adjudication, and the Court shall adjudge that the person arrested is innocent of the offense alleged, and that the property or money belongs to him, it shall order such property or money returned to the accused, and the Property Clerk shall thereupon deliver such property or money to him personally, but not to his attorney or agent. If upon such hearing the accused shall be held for trial or examination, such property or money shall remain in the custody of the Property Clerk until the discharge or conviction of the person accused.

Unclaimed Property to Be Sold, When.

Sec. 3. All unclaimed property and money that has been in the custody of the Property Clerk for one year shall be sold at public auction (with the exception of firearms and other deadly weapons, which must be destroyed by Property Clerk), after having been five times advertised in the official newspaper; and the proceeds of such sale shall be paid into the treasury to the credit of the Police Relief and Pension Fund. In no case shall such property be sold or disposed of until the necessity for the use thereof as evidence has ceased. The proceeds of property taken from insane persons shall not become part of such Fund until after the expiration of three years from the time the same is paid into the treasury, but the Commissioners and the Chief of Police shall, during such period, make diligent inquiry to ascertain the person or persons to whom the same should by right be payable.—*As amended March 16, 1915; approved by the Legislature April 1, 1915 (Statutes, 1915, page 1807).*

Property as Evidence in Court.

Sec. 4. If any property or money in the custody of the Property Clerk be required as evidence in any Court, it shall be delivered to any officer who shall present an order in writing to that effect from such Court, and the Clerks of such Court shall be responsible for the safe delivery of such property or money to the Property Clerk.

Duty of Property Clerk.

Sec. 5. All valuables and money in the custody of the Property Clerk shall be deposited by him, for safe keeping, with the Treasurer, in such manner and subject to such rules and regulations as may be prescribed by the Board.

CHAPTER IX.

PRESENT POLICE FORCE.

Constitution of the Force.

Section 1. All members of the present Police Force in good standing in the Department at the time this Charter goes into effect, and the Park Police, shall continue therein without Civil Service examination; but all new appointments and all promotions made after this Charter shall go into effect shall be subject to and governed by Article XIII of this Charter.

CHAPTER X.

POLICE RELIEF AND PENSION FUND.

Pension Fund. Board of Trustees.

Section 1. In order to continue in force and make effectual pensions already existing in favor of the Police Force, a Fund is hereby created to be known and designated as the Police Relief and Pension Fund. The Board of Police Commissioners and its successors in office shall constitute a Board of Trustees of said Fund.

Qualifications Requisite to Pensioners. Monthly Pension.

Sec. 2. The Board of Police Commissioners may, by a unanimous vote, retire and relieve from service any aged, infirm or disabled member of the Department who has arrived at the age of sixty-five years, and who, upon an examination by two regularly certified practicing physicians appointed by the Commissioners for that purpose, may be ascertained to be by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired member shall receive from the Police Relief and Pension Fund a monthly pension equal to one-half of the amount of the salary attached to the rank held by him three years prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the Department for twenty years continuously next preceding his retirement, and the same shall cease at his death.

Physical Disabilities. Annual Pension.

Sec. 3. Any member of the Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the Commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the Chief of Police, the Captain of the Company to which he belongs, and by two regularly certificated physicians of the City and County recommending his retirement upon a pension on account of such disability, may be retired from the Department upon an annual pension equal to one-half the amount of salary attached to the rank which he may have held three years prior to the date of such retirement, to be paid to him during his life and to cease at his death. In case his disability shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Family of Member Killed in Service: Monthly Pension to Widow, Children and Parents.

Sec. 4. The Commission shall, out of the Police Relief and Pension Fund, provide as follows for the family of any officer, member or employee who may be killed or injured while in the performance of his duties, and who shall have died within three (3) years from the date of such injury, and the receipt by such officer, member or employee of any relief under this Chapter during his lifetime shall not bar the said family from the benefits of this section.

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one-half of the salary attached to the position held by the decedent at the time of his death, during such time as the Commissioners may unanimously determine its necessity.

Fourth—Any member or members of the family of the deceased claiming to be entitled to a pension under the provisions of this section, shall file a verified petition therefor with said Commission, which petition shall thereafter be heard by said Board, upon such reasonable notice to the petitioner or petitioners of the time and

place of such hearing, as said Board may by rule or order prescribe. Said petitioner or petitioners shall be entitled, upon such hearing, to appear personally and by counsel. Upon such hearing any interested person shall have the right to introduce testimony relative to the matters set forth in said petition. The judgment of said Commissioners respecting said application shall be final, unless in determining said application said Commissioners commit a clear abuse of discretion.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Forfeiture of Pensions.

Sec. 5. Any person receiving a pension as aforesaid from the Police Relief and Pension Fund, who shall be convicted of felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this State, shall forfeit all right to said pension.

Death After Ten Years' Service.

Sec. 6. When any member of the Department shall, after ten years' service, die from natural causes, then his widow, and if there be no widow, then his children, or if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to a sum equal to the amount retained by the Treasurer from the pay of such deceased member and paid into the Relief and Pension Fund; but the provisions of this section shall not apply to any member of the Department who shall have received any pension under the terms of this Chapter.

Rules and Regulations.

Sec. 7. The Commissioners shall make rules and regulations to carry out the provisions of this Chapter and to enforce compliance therewith on the part of the members of the Department. It shall make up an estimate every year of the amount required to pay all demands on the Police Relief and Pension Fund for the succeeding fiscal year, and certify the same to the Supervisors in connection with and as a part of the annual appropriation for the Police Department.

Rewards for Heroic Conduct.

Sec. 8. The Commissioners may, on notice to the Chief of Police, reward any member of the Department for conduct which is heroic or meritorious. The form or the amount of such reward shall be discretionary with the Board; but it shall not exceed in any one instance one month's salary.

Meetings. Record of Proceedings. List of Pensioners.

Sec. 9. The Board of Police Pension Fund Commissioners shall hold quarterly meetings on the first Mondays of April, July, October and January of each year, and upon the call of its President. It shall issue warrants, signed by its President and Secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from the Relief and Pension Fund. Each warrant shall state for what purpose the payment is made.

The Board of Police Pension Fund Commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payment from the Relief and Pension Fund, stating the amounts of such payments, and for what granted. Such list shall be certified and signed by the President and Secretary of the Board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as The Police Relief and Pension Fund Book. All warrants signed by the President and Secretary of the Board shall be presented to the Auditor, and be audited and ordered paid by him out of said Fund.

Powers of Board. Secretary.

Sec. 10. The Board of Police Pension Fund Commissioners shall possess the powers vested in the Board of Police Commissioners to make rules and regulations for its guidance. It may appoint a Secretary, and provide for the payment from said Fund of all its necessary expenses, not exceeding fifty dollars for any one month, including the salary of the Secretary and printing. No compensation shall be paid to any member of the Board for any duty required or performed as Police Relief and Pension Fund Commissioner.

Sources of Revenue.

Sec. 11. The Supervisors shall annually, when the tax levy is made, direct the payment into the aforesaid Fund of the following moneys:

1. Not less than five nor more than ten per centum of all moneys collected and received from licenses for the keeping of places where spirituous, malt or other intoxicating liquors are sold.

2. One-half of all moneys received from taxes or from licenses upon dogs.

3. All moneys received from fines imposed upon members of the Police Department for violation of law or the rules or regulations thereof.

4. All proceeds of sales of unclaimed property.

5. Not less than one-fourth nor more than one-half of all moneys received from licenses from pawnbrokers, billiard hall keepers, dealers in second-hand merchandise, and from junk stores.

6. All moneys received from fines for carrying concealed weapons.

7. Twenty-five per centum of all fines collected in money for violation of any ordinance.

8. All rewards to members of the Police Department, except such as shall be excepted by the Commissioners.

9. The Treasurer shall retain from the pay of each member of the Police Force two dollars a month, which shall be forthwith paid into the Police Relief and Pension Fund. No other or further

retention or reduction shall be made from such pay for any other fund or purpose unless the same is herein authorized.

Policemen on Special Detail.

Sec. 12. When a request is made for regular policemen to be detailed at any place of amusement or entertainment, ball, party, or picnic, the party or person making such request shall first deposit two dollars and fifty cents for each man so detailed with the Property Clerk of the Department, who shall give him a receipt for the same, and such sum shall be at once paid into the treasury to the credit of the Police Relief and Pension Fund.

Auditor's Report on Pension Fund. Surplus.

Sec. 13. On the last day of June of each year, or as soon thereafter as practicable, the Auditor shall make a report to the Supervisors of all moneys paid out of such Fund during the previous year, and of the amount then to the credit of such Fund. The surplus then remaining in such Fund exceeding the average annual amount paid out of such Fund during the three years next preceding shall be transferred to and become a part of the Surplus Fund, and shall be no longer under the control of the Board or subject to its order. Payments provided for in this Chapter shall be made quarterly upon proper vouchers. When in any one year a deficiency shall exist in such Fund, such deficiency shall be provided for and made good by the Supervisors in their next ensuing tax levy.

ARTICLE IX.

FIRE DEPARTMENT.

CHAPTER I.

ORGANIZATION AND POWERS.

Board of Four Commissioners. Appointed by Mayor. Salary.

Section 1. The Fire Department shall be under the management of a Board of Fire Commissioners, consisting of four members, who shall be appointed by the Mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed a Fire Commissioner who shall not have been an elector of the City and County for at least five years next preceding his appointment.

Political Affiliations. Term.

Sec. 2. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

Successors in Office.

Sec. 3. The Commissioners shall be successors in office of the Fire Commissioners holding office in the City and County at the time this Charter shall go into effect by virtue of appointment under any statute or law of this State.

Organization. President. Secretary. Salary. Meetings.

Sec. 4. The Commissioners shall organize by electing one of their number President, who shall hold office for one year. The Board may appoint a Secretary who shall perform such duties as the Board may prescribe. He shall receive an annual salary of twenty-four hundred dollars. The Board shall meet at least once a week, and as often as the business of the Department may require, and all its meetings shall be public.

Powers of Board.

Sec. 5. The Board shall organize the Department, create and establish such fire companies as it may deem necessary, prescribe the number and duties of the officers, members and employees of the Department, and the uniforms and badges to be worn by them; have control of all the property and equipments of the Department, and exercise full power and authority over all appropriations made for the use of the Department.

Qualifications of Firemen, Mechanics and Others.

Sec. 6. All persons appointed to positions in the Department must at the time of their appointment be citizens of the United States, not less than twenty-one nor more than thirty-five years

of age, of good character for honesty and sobriety, and able to read and write English; they must have been residents of the City and County at least five years next preceding the date of their appointment; they must pass a medical examination under such rules and regulations as may be prescribed by the Commissioners, and must, upon such examination, be found in sound bodily health; *provided, however,* that the age limit herein prescribed shall not apply to engineers and pilots of fireboats, to engineers, mechanics and employees of the auxiliary fire system or of the corporation yard, or to clerks in the office of the Commission; but the age of such persons in this proviso named shall, at the time of their appointment, be not less than twenty-one nor more than fifty-five years; and, *provided further,* that employees and appointees in this proviso named shall not be subject to nor derive any benefit from the provisions of Chapter VII of this Article relating to Firemen's Relief Fund. — *As amended November 15, 1910; approved by the Legislature, February 17, 1911 (Statutes, 1911, page 1661).*

Trial Before Dismissal.

Sec. 7. No officer, member or employee of the Department shall be appointed, transferred or removed because of his political opinions, nor shall he be transferred or dismissed except for cause, nor until after a trial before the Commissioners.

Powers and Duties of Commissioners.

Sec. 8. The Commissioners shall see that the officers, members and employees of the Department faithfully discharge their duties, and that the laws, ordinances and regulations pertaining to the Department are carried into effect. The Board shall make such rules and regulations as may be necessary to secure discipline and efficiency in the Department, and for any violation of such rules and regulations may impose reasonable fines upon the officers, members and employees of the Department, or may suspend any of them for such reasonable time as the Board may by rule prescribe. Such fines shall be deducted from the monthly warrants of the officers, members and employees upon whom they are imposed, and shall be transferred by the Treasurer to the Firemen's Relief and Pension Fund.

Duties of Clerk and Commissary.

Sec. 9. The Clerk and Commissary of the Fire Department Corporation Yards shall not deliver any supplies or stores of the Fire Department except upon an order signed by the Chief Engineer and the Secretary of the Commissioners; but during a conflagration, such material or apparatus as may be required for the purpose of extinguishing such conflagration may be withdrawn from said Corporation Yards by order of the Chief Engineer, or by any officer in charge of the force of the Department at such conflagration.

No Other Employment.

Sec. 10. No member or employee of the Fire Department shall be engaged in any other employment.

Two Platoon System.

Sec. 11. Each period of twenty-four hours shall be divided into two tours of duty, to-wit: from eight o'clock a. m. to six o'clock p. m., and from six o'clock p. m. to eight o'clock a. m. The uniform force of the Fire Department shall be divided into two platoons, the officers and members assigned to which shall alternate on the tours of duty at intervals of not more than one week. No officer or member shall be required to remain on duty for more than fourteen consecutive hours, except when changing from one tour of duty to the other, or in case of a conflagration requiring the services of more than one-half of the force of the Department.

The foregoing section shall take effect, and be in force, from and after the first day of January, 1919.—*New Section added by amendment November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

CHAPTER II.

DUTIES OF THE COMMISSIONERS.

Reorganization of the Department.

Section 1. The Board of Fire Commissioners shall immediately after their appointment and qualification proceed to reorganize the Fire Department in conformity with the provisions of this Charter. In so doing the Board shall make its appointments of officers and members from the persons constituting the force in the service of the Fire Department at the time this Charter goes into effect. Such officers and members shall not be required to pass any Civil Service examination. All future appointments and promotions shall be made subject to the provisions of Article XIII of this Charter. If any reduction is made in the force of the Department, the Commissioners may temporarily discharge those persons whose discharge shall be most conducive to the efficient reorganization of the Department; but in case of a subsequent increase of the force, those temporarily discharged shall be reappointed without Civil Service examination and assigned to the same rank in which they were at the time of their discharge.

Fair Public Trial Before Dismissal.

Sec. 2. No officer, member or employee of the Department shall be dismissed or transferred except for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least three days previous to the day of trial. He shall have the right to appear in person and by counsel and examine witnesses in his behalf. All witnesses shall be examined under oath, and all trials shall be public.

Salary During Disability.

Sec. 3. When any officer, member or employee of the Department shall become temporarily disabled by reason of injuries received while in the actual performance of his duty therein so as to incapacitate him from performing his duty, the Commissioners shall allow his salary during the continuance of such temporary disability.

Performance of Contracts.

Sec. 4. The Commissioners shall see that all contracts awarded and work done for the Department are faithfully performed, and shall, upon the awarding of any such contract, exact an adequate bond for the prompt and faithful performance of the same.

The provisions of Article II, Chapter III. of this Charter in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the Fire Department. Any contract made in violation of any of the provisions of this Chapter shall be void.

CHAPTER III.

THE CHIEF ENGINEER.

Duties of Chief Engineer and Assistants.

Section 1. The Board of Fire Commissioners shall appoint a Chief Engineer, who shall be charged with the special duty of superintending the extinguishment of fires. The Chief Engineer shall be the chief executive officer of the Fire Department, and it shall be his duty and that of the Assistant Chief Engineers and of the Battalion Chiefs to see that all laws, orders, rules and regulations in force in the City or County, or made by the Commissioners concerning the Fire Department, are enforced.

Powers of Chief Engineer.

Sec. 2. The Chief Engineer may suspend any subordinate officer, member, or employee of the Department for incompetency, or for any violation of the rules and regulations of the Fire Department, and shall forthwith report in writing such suspension, with his reasons therefor, to the Commissioners for their action. He shall diligently observe the condition of the apparatus and workings of the Department and report in writing thereon at least once a month to the Board and make such recommendations and suggestions respecting the same as he may deem proper. In the absence or inability of the Chief Engineer, an Assistant Chief Engineer shall perform his duties.

Destruction of Buildings.

Sec. 3. The Chief Engineer, or, in his absence, the Assistant Chief Engineers, or, in their absence, any Battalion Chief in charge,

may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

Chiefs' Operators.

Sec. 4. The Chief Engineer may detail for duty as Chiefs' Operators such members of the Department as he may select, not to exceed one such Operator for each Chief, Assistant Chief and Battalion Chief. The members so detailed shall be known and ranked as Chiefs' Operators. Each of said Chiefs' Operators shall receive an annual salary of fifteen hundred dollars. They may be removed from such detail at any time, by the Chief Engineer.—*Section added by amendment November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 22).*

CHAPTER IV.

FIRE COMPANIES.

Fire Companies, of Whom Composed.

Section 1. Each Steam Fire Engine Company shall be composed of not more than one Captain, one Lieutenant, one Engineer, one Driver, one Stoker and six Hosemen.

Each Hook and Ladder Company shall be composed of not more than one Captain, one Lieutenant, one Driver, one Tillerman and eight Truckmen.

Each Chemical Engine Company shall be composed of not more than one Captain, one Lieutenant, one Driver and one Hoseman.

Each Water Tower Company shall be composed of not more than one Captain, one Lieutenant, one Driver, and one Hoseman.

Each Fire Boat Company shall be composed of not more than one Captain, one Lieutenant, two Pilots, two Engineers, three Firemen and twelve Hosemen.—*As amended November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 22).*

CHAPTER V.

FIRE MARSHAL.

Marshal and Assistant.

Section 1. The Board of Fire Commissioners, on the written recommendation of the Board of Directors of the corporation known as the Underwriters' Fire Patrol of San Francisco, may appoint such persons as may be recommended by said Board of Directors as Fire Marshal and Assistant Fire Marshal. Vacancies occurring in the office of Fire Marshal or Assistant Fire Marshal shall be filled in the same manner. The salaries of said Fire Marshal and of his assistant and deputies shall be fixed and paid by said Board of Directors of said Underwriters' Fire Patrol of San

Francisco, and in no event shall the City and County be liable therefor or for any part thereof.

Duties.

Sec. 2. The Fire Marshal, or, in case of his disability, the Assistant Fire Marshal, shall attend all fires which may occur in the City and County, and he shall take charge of and protect all property which may be imperiled thereby.

Powers.

Sec. 3. The Fire Marshal may call upon policemen during the time of any fire for the purpose of protecting property until the arrival of the owner or claimant thereof, and in case the owner or claimant of such property does not take charge of the same within twenty-four hours the Fire Marshal may have such property stored at the owner's or claimant's expense.

Powers and Duties of Fire Marshal.

Sec. 4. The Fire Marshal shall be charged with the enforcement of all laws and ordinances relating to the storage, sale and use of oils, combustible materials and explosives, together with the investigation of the cause of all fires. In all cases where there is reason to believe that fires are the result of crime or that crime has been committed in connection therewith, the Fire Marshal must report the same in writing to the District Attorney. The Fire Marshal shall also have the care of, and may sell, subject to the orders of the Board of Fire Commissioners, all property saved from fire for which no owner can be found, and at once pay the amount realized from any such sale into the treasury. He shall exercise the functions of a police officer.

Deputies.

Sec. 5. The Fire Marshal shall have power to appoint deputies for inspecting buildings, but such deputies shall receive no compensation for their services from the City and County.

CHAPTER VI.

FIRE WARDEN.

Safety of Buildings.

Section 1. The Chief Engineer, Assistant Chief Engineers, Battalion Chiefs and the Fire Marshal shall constitute a Board of Fire Wardens, with power to inspect and report to the Board of Public Works as to the safety of buildings and other structures within the City and County.

CHAPTER VII.

FIREMEN'S RELIEF FUND.

Board of Trustees.

Section 1. In order to continue in force and make effectual pensions already existing in favor of firemen, a fund is hereby

created to be known and designated as the Firemen's Relief Fund. The Board of Fire Commissioners of the City and County and its successors in office shall constitute a Board of Trustees of said Fund. The Board shall be known as the Board of Fire Pension Fund Commissioners.

Tax for Relief Fund.

Sec. 2. There shall be annually levied, collected and apportioned to the Firemen's Relief Fund a tax sufficient to meet and pay all demands upon said Fund, for the purposes set out in this Chapter.

Retirement. Pensions.

Sec. 3. The Commissioners shall, upon the application, duly verified, of any officer or member of the Fire Department who shall have served as an active member of the Fire Department for twenty-five years continuously next preceding the date of said application, or, of any officer or member of the Fire Department who shall have reached the age of fifty-five years, and shall have served as an active member of the Fire Department for twenty years continuously next preceding the date of said application, retire and relieve from service such officer or member; *provided, also,* that the Commissioners may, by a unanimous vote, retire and relieve from service any aged, disabled or infirm officer or member of the Fire Department who has arrived at the age of sixty years, and has served as an active member of the Department for twenty years continuously next preceding such age, and who upon examination by two regularly certificated practicing physicians, appointed by the Commissioners for that purpose, may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duties. Such retired officer or member shall receive from the Firemen's Relief Fund a monthly pension equal to one-half the amount of the salary attached to the rank held by him for three years prior to the date of his retirement, and the same shall cease at his death.—*As amended November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 21).*

Physical Disabilities. Annual Pension.

Sec. 4. Any member of the Fire Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the Commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the Chief of the Fire Department, the Captain of the Company to which he belongs, and by two regularly certificated physicians of the City and County, recommending his retirement upon a pension on account of such disability, may be retired from the Department upon an annual pension equal to one-half the amount of salary attached to the rank which he may have held three years

prior to the date of such retirement, to be paid to him during his life and to cease at his death. In case his disability shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Family of Member Killed. Pension to Widow, Children and Parents.

Sec. 5. The Commissioners shall, out of the Firemen's Relief Fund, provide as follows for the family of any officer, member or employee of the Fire Department who may be killed or injured while in the performance of his duty, and who shall have died within one year from the date of such injury, and the receipt by such officer, member or employee of any relief under this Chapter, during his lifetime shall not bar the said family from the benefits of this section.

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one-half of the salary attached to the position held by the decedent at the time of his death, during such time as the Commissioners may unanimously determine its necessity.

Fourth—Any member or members of the family of the deceased claiming to be entitled to a pension under the provisions of this section, shall file a verified petition therefor with said Commission, which petition shall thereafter be heard by said Board, upon such reasonable notice to the petitioner or petitioners of the time and place of such hearing, as said Board may by rule or order prescribe. Said petitioner or petitioners shall be entitled, upon such hearing, to appear personally and by counsel. Upon such hearing any interested person shall have the right to introduce testimony relative to the matters set forth in said petition. The judgment of said Commissioners respecting said application shall be final, unless in determining said application said Commissioners commit a clear abuse of discretion.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes 1917, page 1708).*

Forfeiture of Pensions.

Sec. 6. Any person receiving a pension from the Firemen's Relief Fund, who shall be convicted of felony, or who shall become

dissipated, an habitual drunkard, or who shall become a non-resident of this State, shall forfeit all right to said pension.

Rules and Regulations.

Sec. 7. The Commissioners shall make rules and regulations to carry out the provisions of this Chapter and to enforce compliance therewith on the part of the members of the Department. It shall make up an estimate every year of the amount required to pay all demands on the Firemen's Relief Fund for the succeeding fiscal year, and certify the same to the Supervisors in connection with and as a part of the annual appropriation for the Fire Department.

Meetings. Record of Proceedings. List of Pensioners.

Sec. 8. The Board of Fire Pension Fund Commissioners shall hold quarterly meetings on the first Mondays of April, July, October, and January of each year, and upon the call of its President. It shall issue warrants signed by its President and Secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from the Firemen's Relief fund. Each warrant shall state for what purpose the payment is made.

The Board of Fire Pension Fund Commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payment from the Relief Fund, stating the amounts of such payments and for what granted. Such list shall be certified and signed by the President and Secretary of the Board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the Firemen's Relief Fund Book. All warrants signed by the President and Secretary of the Board shall be presented to the Auditor, and be audited and ordered paid by him out of said Fund.

Powers of Board. Secretary.

Sec. 9. The Board of Fire Pension Fund Commissioners shall possess the powers vested in the Board of Fire Commissioners to make rules and regulations for its guidance. It may appoint a Secretary and provide for the payment from said Fund of all its necessary expenses, not exceeding fifty dollars for any one month, including the salary of the Secretary and printing; but no compensation shall be paid to any member of the Board for any duty required or performed as Fire Pension Fund Commissioner.

Sec. 10. All firemen who were retired under the provisions of the law prior to January 1, 1900, shall be entitled to receive from the Fund in this Chapter provided for, the sum of forty-five dollars a month, from and after July 1, 1911.—*Section added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

CHAPTER VIII.

SALARIES AND VACATIONS.

Fire Department. Salaries.

Section 1. The officers and members of the Fire Department shall receive annual salaries as follows: Chief Engineer, five thousand dollars; First Assistant Chief Engineer, thirty-six hundred dollars; Second Assistant Chief Engineer, three thousand dollars; Battalion Chiefs, each, twenty-seven hundred dollars; Superintendent of Engines, twenty-seven hundred dollars; the Clerk and Commissary of the Corporation Yards, eighteen hundred dollars; Captains, each, eighteen hundred and sixty dollars; Lieutenants, each, seventeen hundred and ten dollars; Engineers, each, sixteen hundred and eighty dollars; Drivers, Stokers, Tillermen, Truckmen and Hosemen, for the first year of service, each, twelve hundred dollars; for the second year of service, each, thirteen hundred and twenty dollars; and for the third year of service, and thereafter, each fourteen hundred and forty dollars: Hydrantmen, each, twelve hundred dollars; Superintendent of Horses, eighteen hundred and sixty dollars; Draymen, each, twelve hundred dollars; Watchmen, each, twelve hundred dollars; Hostlers, each, twelve hundred dollars; Pilots of Fire Boats, each, twenty-one hundred dollars; Engineers of Fire Boats, each, twenty-one hundred dollars; Firemen of Fire Boats, each, twelve hundred dollars.

Salaries of Officers, Members and Employees.

Sec. 1½. The officers, members and employees mentioned in Section 1 of this Chapter, who receive an annual salary of eighteen hundred and sixty dollars or less, shall during the five years commencing July 1, 1919, receive and be paid the sum of twenty dollars per month in addition to the salaries therein specified; provided, further, that the amount of the pension as set forth in Sections 3, 4 and 5 of Chapter VII, Article IX of this Charter, shall be computed and based upon the amount of salary of each officer, member and employee of the Fire Department in effect before this amendment; the purpose of this amendment being to increase the salary of each officer, member and employee herein mentioned for the period specified herein, but not to increase the pensions mentioned in Sections 3, 4 and 5 of Chapter VII, Article IX over or above the amounts provided before the adoption of this amendment.—*New section added by amendment November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

Vacations.

Sec. 2. Each officer and member of the Fire Department shall be allowed, during each year of his service, a vacation of not less than fifteen days' duration, and also leaves of absence of not less than twenty-four hours' duration, not less times than once in each week. Said vacations and leaves of absence to be without loss of pay.—*Chapter amended November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 20).*

CHAPTER IX.

DEPARTMENT OF ELECTRICITY.

How Constituted.

Section 1. There is hereby created a Department of Electricity, which shall have charge of the construction and maintenance of the Fire Alarm and Police Telegraph and Telephone Systems, and shall be under the control of a joint Commission composed of the Board of Fire Commissioners and the Board of Police Commissioners.

Chief Electrician. Salary.

Sec. 2. There shall be appointed by the Board of Fire Commissioners and Board of Police Commissioners, acting in joint session, a practical and skilled Electrician, and who shall have general supervision of the Department of Electricity. He shall receive a salary of three thousand dollars per annum.

Employees, Department of Electricity.

Sec. 3. The Joint Commission may appoint such assistants and other employees as may be necessary to efficiently maintain, extend and repair the Department of Electricity at all times. All appointments shall be made subject to the provisions of Article XIII hereof. The number and compensation of all such assistants and other employees of the Department of Electricity shall be fixed annually by the Supervisors, but no compensation to any of such persons shall be greater than is paid in similar employments. Any person who, under a classification of positions by the Civil Service Commission, has been appointed in conformity with Article XIII of this Charter, and who has served the probation period required by said Article, is hereby declared appointed within the provisions of Article XIII to said position so classified.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 59).*

Jurisdiction.

Sec. 4. The Fire Department and the Police Department shall each have sole control over its own systems and wires.

Citizens May Connect With System.

Sec. 5. Any citizen, firm or corporation may, for the purpose of police and fire protection, be connected with the Police or Fire Signal System, or Telephone or Telegraph System, upon making fair payment for the connection and use of the same. Such rates of payment shall be fixed by ordinance of the Supervisors; but no connection shall be made so as to interfere with the use of the main line.

Supervise Electrical Wires and Appliances.

Sec. 6. The Department of Electricity is also charged with the duty of enforcing all the rules, regulations, orders and requirements made by ordinance of the Supervisors in regard to the inspection and supervision of electrical wires and appliances, and the currents for furnishing light, heat or power in and upon streets and buildings in the City and County.

ARTICLE X.

DEPARTMENT OF PUBLIC HEALTH.

How Constituted.

Section 1. There shall be a Department of Public Health under the management of a Board of Health. The Board shall consist of seven members, all of whom shall be appointed by the Mayor, and three only of whom shall be physicians. Said physicians shall be regularly certificated physicians of the City and County at the time of their appointment, and must have been such for at least five years next preceding their appointment. The members of the Board shall serve without compensation. They shall elect one of their members President, and shall adopt such rules and regulations as may be necessary for the government of the Board.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 58).*

Terms of Office of Health Board.

Sec. 2. The appointed members of the Board, excepting those first appointed, shall hold office for seven years. Those first appointed under this Charter shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years; one at the end of four years; one at the end of five years; one at the end of six years; and one at the end of seven years.

Within thirty days after the ratification of this amendment by the Legislature of the State of California, the offices of the then incumbent members of the Board of Health shall become vacant, and the Mayor shall thereupon proceed to appoint a Board of Health pursuant to the provisions of the preceding section.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 59).*

Powers and Duties of Board.

Sec. 3. The Board shall have the management and control of the City and County Hospitals, Almshouses, Ambulance Service, Municipal Hospitals, Receiving Hospitals, and of all matters pertaining to the preservation, promotion and protection of the lives and health of the inhabitants of the City and County; and it may determine the nature and character of nuisances and provide for their abatement.

It shall have the sanitary supervision of the municipal institutions of the City and County, including jails, schoolhouses and all public buildings; of the disposition of the dead; of the disposition of garbage, offal and other offensive substances.

Except as provided in Article II, Chapter III, of this Charter, it shall have the exclusive control and disposition of all expenditures necessary in the institutions under its immediate control.

Enforce Ordinances of Supervisors.

Sec. 4. The Board shall enforce all ordinances, rules and regulations which may be adopted by the Supervisors for the carrying out and enforcement of a good sanitary condition in the City and County; for the protection of the public health; for determining the nature and character of nuisances and for their abatement; and for securing the proper registration of births, deaths and other statistical information. It shall from time to time submit to the Supervisors a draft of such ordinances, rules and regulations as it may deem necessary to promote the objects mentioned in this section.

Appointees. Salaries. Duties.

Sec. 5. The Board may appoint such officers, agents and employees as may be necessary for the proper and efficient carrying out and enforcement of the purposes and duties of the Board, and may fix their salaries and prescribe their duties. All appointments in the Department shall be made under the provisions of Article XIII of this Charter, and no person so appointed by the Board shall be removed without cause.

City Hospital Physician.

Sec. 6. The Board may appoint a Resident Physician of the City and County Hospital, who must be a regularly certified physician, and who must have been a resident of the City and County for at least five years next preceding his appointment. He shall devote his time exclusively to the duties of his office.

Physicians and Surgeons for City Hospital.

Sec. 7. The Board shall appoint for the City and County Hospital at least two visiting physicians and at least two visiting surgeons, who shall receive no compensation for their services, but who shall have the privilege of teaching students in their hospital wards. Any student who is actively engaged in the study of medicine shall have the benefit of clinical instruction in any of the hospital wards.

Inebriates.

Sec. 8. The Board may set aside one ward in the City and County Hospital for the treatment of confirmed inebriates.

Internes to City Hospital. How Appointed and Controlled.

Sec. 9. The Board may appoint such undergraduates and other internes to the City and County Hospital as it may deem necessary. They shall be appointed after a competitive examination by the Board in any or all branches of medicine and surgery, and shall receive board and lodging free for their services. They shall be under the control and direction of the Resident Physician, who may remove any of them for neglect of duty, or for other good and sufficient cause, subject to an appeal to, and final decision by, said Board.

Salaries.

Sec. 10. The Board shall fix annually the salaries of all officers and employees of the Board. Such compensation shall not exceed salaries paid for similar services in private institutions of like character.

Limit to Number of Employees.

Sec. 11. The ratio of employees to inmates of any institution under the care of the Board shall not exceed that maintained by private institutions of like character.

ARTICLE XI.

DEPARTMENT OF ELECTIONS.

CHAPTER I.

BOARD OF ELECTION COMMISSIONERS.

Appointed by Mayor. Term. Salary. Qualifications.

Section 1. The conduct, management and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections in the City and County, shall be vested exclusively in and exercised by a Board of Election Commissioners, consisting of five members, who shall be appointed by the Mayor, and shall hold office for four years. Each of the Commissioners shall receive an annual salary of one thousand dollars. Each member of the Board must be an elector of the City and County at the time of his appointment and must have been such for five years next preceding such time. Those first appointed must, immediately after their appointment, so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

The Mayor shall not make any appointment upon the Board at any time before thirty days prior to the time when such appointee is to take office. Two of the five members first appointed shall be chosen from each of the two political parties casting in the City and County the highest vote for Governor or electors of President and Vice-President, as the case may be, at the last preceding general election. The fifth member shall be chosen from the political party casting the third highest such vote at such election, if there be such third party, and if not, then at the discretion of the Mayor. Upon the expiration of the term of office of any Commissioner, the appointee must be chosen from the same political party as the retiring Commissioner, consistently with the foregoing provisions as to equal representation at all times of the two political parties casting the highest vote at the general election last preceding the appointment in question as prescribed in this section.

Not to Take Part in Politics.

Sec. 2. No member of the Board, nor Registrar, nor Deputy Registrar, shall, during his term of office, be a member of any convention the purpose of which is to nominate candidates for office; nor be eligible to any other municipal office during the term for which he shall have been appointed, or for one year thereafter; nor act as officer of any election or primary election; nor take part in any election except to vote and when acting as Election Commissioner, at which time he shall perform only such official duties as may be required of him by law and by this Charter.

President. Registrar of Voters. Salary. Term. Secretary. Duties.

Sec. 3. The Commissioners shall organize within ten days after their appointment by choosing one of their number President. In case of failure to agree, he shall be selected by lot. He shall hold office for one year, and until his successor is chosen. The Board shall appoint a Registrar of Voters, who shall receive an annual salary of twenty-four hundred dollars. The Registrar shall be the Secretary of the Board, and shall keep a record of its proceedings, and shall execute all orders and enforce all rules and regulations adopted by the Board. The term of office of Registrar shall be four years.

Clerks. Salaries.

Sec. 4. The Board may appoint such other clerical assistants as may be necessary at a salary not to exceed one hundred dollars a month each for the time actually employed. The Board shall, by resolution adopted by a majority vote of all its members and entered upon its minutes, designate the service to be rendered by such assistants and the time for which they shall be employed. The time of employment of such assistants shall not be extended except by like resolution of the Board, and when a salary shall have been once fixed it shall not be increased. This section is subject to the provisions of Article XIII of this Charter.

Sec. 5. All provisions of the General Laws of this State, including penal laws, respecting elections, not inconsistent with the provisions of Chapter II hereof, shall be applicable to all elections held in the City and County of San Francisco. All provisions of the General Laws of this State respecting the registration of voters shall be applicable to such registration in the City and County. The Board of Election Commissioners must provide for precinct registration, so far as it can do so under the Constitution and the Laws of the State.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

CHAPTER II.

MUNICIPAL ELECTIONS.

When Held. Officers to Be Elected.

Section 1. There shall be held in the City and County of San Francisco on the Tuesday after the first Monday in November in 1917, and every second year thereafter, an election to be known as the "municipal election," at which the electors of the city shall choose such officers as are required by this Charter to be elected at that time, to-wit, as mentioned in Section 38a of Article XVI of this Charter, and two Police Judges in the year 1917, for a term of four years, and two Police Judges every second year thereafter for a term of four years, and an Assessor in the year 1919 and every four years thereafter, for a term of four years. The Superintendent of Public Schools shall be elected for four years, and the Justices of the Peace for four years, at the same time that members of the Legislature are elected.

When Office Is Taken.

Sec. 2. The officers elected at any general municipal election under this Charter shall take office at noon on the first Monday after the first day of January next following the said election; except that the terms of incumbent officers shall not be affected by this provision and the officers first elected hereunder shall take office on the expiration of the terms of the incumbents.

Nomination and Election of Officers.

Sec. 3. The mode of nomination and election of all elective officers of the City and County to be voted for at any general or special election, including recall elections, shall be as provided in the following sections, and not otherwise:

Condition of Candidacy.

Sec. 4. The name of the candidate shall be printed upon the ballot when a declaration of candidacy and certificates of not less than ten nor more than twenty sponsors shall have been filed on his behalf, in the manner and form and under the conditions hereinafter set forth.

Method of Nomination.

Sec. 5. The nomination of candidates shall be made in the following manner:

(a) The candidate, not more than fifty days before the municipal election in November, shall file with the Registrar of Voters a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDACY.

I hereby declare myself a candidate for the office of..... to be voted for at the municipal election to be held in the City and County of San Francisco on the.....day of November, A. D. ....., and declare the following to be true:

Name in full.....

Present residence address.....

What different business or occupation have you followed during the past three years?.....

Have you ever had any special training or experience in the line of work which you would be called upon to perform in case of your election to the office for which you are a candidate? If so, state what training or experience, and when, in not over 50 words.

.....

.....

.....

Signed.....

All blanks in said form must be filled out and the Registrar shall not accept for filing any declaration unless all blanks are so filled. The declaration shall be subscribed before the Registrar of Voters. The Registrar of Voters shall forthwith certify to the said subscription and its date and retain and file the declaration.

(b) The candidate shall pay to the Registrar of Voters at the time of filing his declaration of candidacy the sum of twenty dollars.

(c) After said declaration shall have been signed, certified and filed, and not later than thirty days before said election in November, not less than ten nor more than twenty sponsors for the said candidate, who are electors for the City and County, qualified to vote at the said municipal election, shall appear before the Registrar of Voters and shall certify under oath, to the qualifications of the said candidate, in a certificate as follows:

State of California,
City and County of San Francisco } ss.

The undersigned sponsor for.....who has declared his candidacy for the office of....., to be voted for at the municipal election to be held in the City and County of San Francisco on the.....day of November, A. D. ....., being first duly sworn, deposes and says:

That in my opinion my knowledge of the said.....is sufficient to warrant my urging his election to the office of..... in the City and County of San Francisco, and that he is fully qualified mentally, morally and physically for the said office and should be elected to fill it; that I am a qualified elector of said City and County, and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or, in case there are several places to be filled in the above-named office, that I have not signed more certificates than there are places to be filled in the above-named office; that my residence is at No..... .....street, San Francisco, and that my occupation is.....

.....

State of California,
City and County of San Francisco } ss.

The above was subscribed, sworn to before me, read to me by the deponent, the said signature verified by me, and the said certificate filed this.....day of....., A. D. .....

.....
Registrar of Voters.

The blanks in said certificate for the name of the candidate and the office, the date of the election, the address and occupation of the sponsor shall be filled out and the certificate read by the Registrar of Voters, subscribed and sworn to by the sponsor before him, and his signature forthwith verified by the Registrar by comparison with the signature of the sponsor's registration as a voter. The Registrar's certificate shall thereupon be filled out and the document retained by him and filed.

Forms of Certificates, Etc.

Sec. 6. (a) It shall be the duty of the Board of Election Commissioners to furnish a sufficient number of forms for such candi-

dates' declarations and such sponsors' certificates. In the event the Registrar shall refuse to file such declaration or certificate, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the Registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate.

(b) Each certificate must contain the name of one signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office.

Declarations and Certificates to Be Preserved.

Sec. 7. The Registrar of Voters shall preserve in his office, for a period of four years, all candidates' declarations, and all sponsors' certificates filed in accordance with this section.

Official Pamphlets—Candidate's Statement.

Sec. 8. (a) The Board of Election Commissioners shall cause to be printed in pamphlet form herein designated for the purposes of this chapter as the official pamphlet the Proclamation of the Mayor and statements of candidates described in subdivision (b) of this section.

(b) If the candidate desires he may file with the Board of Election Commissioners not less than thirty days before the said election a statement of not more than one hundred words, setting forth any facts he may deem pertinent to the question of his qualifications for the office for which he is a candidate, and such statement shall be printed in the official pamphlet, upon the payment of a fee of ten dollars. Additional words, not to exceed two hundred, may be added by the candidate to such statement, for which he shall pay an additional fee of fifteen dollars for each one hundred words or fraction thereof.

(c) A copy of the official pamphlet shall be enclosed and circulated with the sample ballot and sent to each registered voter. The Board of Election Commissioners shall furnish, at least ten days before the said election, copies of the official pamphlet to registered voters on application to its office. All fees received by the Registrar of Voters in conformity with this chapter shall be paid over to the Treasurer of the City and County of San Francisco and credited to the general fund.

Mayor's Proclamation.

Sec. 9. Immediately after the declarations of candidacy and ten sponsors' certificates have been filed, the Registrar of Voters shall enter the names of the candidates in a list, with the offices to be

filled, and shall, not later than twenty-five days before the election, certify such list to the Mayor as being the list of candidates nominated as required by this Charter. The Mayor shall forthwith issue a proclamation calling the election provided for in Section 1 of this Chapter, setting forth the offices to be filled, designating the term thereof, and the certified list of candidates for each office, and file the same with the Registrar of Voters. The Mayor's proclamation shall then be published in the official pamphlet immediately preceding the first of the candidate's statements. Said proclamation shall conform in all respects to the general State laws governing the conduct of municipal elections now or hereafter in force except as herein provided.

Printing of Ballots.

Sec. 10. The Registrar of Voters shall cause the ballots to be printed and bound and numbered as provided for by State law, except as otherwise required in this Chapter. The ballots shall contain the list of names and the respective offices, as set forth in the proclamation, and shall be substantially as hereinafter provided.

Heading and Directions to Voters.

(a) General (or recall, as the case may be) municipal election, City and County of San Francisco.

INSTRUCTIONS TO VOTERS: To vote for any candidate stamp a cross (X) in one of the squares to the right of the candidate's name.

Vote your first choices in the first column, your second choices in the second column, your third choices in the third column.

Vote FIRST CHOICE for as many candidates as there are offices to be filled.

Vote SECOND CHOICE, if any, for the same number.

Vote THIRD CHOICE, if any, for the same number.

DO NOT VOTE MORE THAN ONE CHOICE FOR ANY ONE CANDIDATE.

To vote for a person whose name is not on the ballot, write name of such person in the blank space provided for such purpose.

If you wrongly mark, tear or deface this ballot, return it to the inspector of elections and obtain another.

Arrangement of Offices on the Ballot.

(b) The offices to be filled shall be arranged in the following order:

The Mayor, Police Judges, District Attorney, City Attorney, Assessor, Auditor, County Clerk, Sheriff, Treasurer, Tax Collector, Recorder, Public Administrator, Coroner, arranged in one or more columns, and the Supervisors in a column or columns separate from the others.

Every Nominee on Ballot.

(c) The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate; provided, that a candidate whose nomination has been completed, may, not less than thirty days before a municipal election and not less than twenty-five days before a recall election, withdraw as a candidate by filing with the Registrar of Voters, his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing, and no withdrawal at any later date shall be of any force or effect.

Rotation of Candidates' Names.

Sec. 11. The ballots for the Assembly district of the City and County designated by the lowest number shall have the names of each group of candidates for an office or offices arranged in alphabetical order, according to the family name of the candidate. In the Assembly district designated by the next higher number the groups of names shall be the same as in the district designated by the next lower number, save that the last candidate in the group in the preceding district shall be placed at the beginning of the group, the succession of names to be otherwise unchanged, and so on, rotating the names in this order throughout all the Assembly districts.

In the event that the number of candidates in any group shall exceed the number of Assembly districts in the City and County, then the total number of candidates in such group shall be divided by the number of Assembly districts and the quotient, if an integral number, or if fractional then the next higher integral number shall be the number of candidates to be taken from the end and placed at the beginning of such a group in each successive Assembly district; the rotation then being in this manner, to-wit: if there be fifty-six candidates for Supervisors and twenty Assembly districts, numbered from twenty-five to forty-four, the fifty-fourth, fifty-fifth and fifty-sixth candidates in the group of the twenty-fifth district will be the first, second and third candidates, respectively, in the group in the twenty-sixth district.

Spaces for Name and for Voting Cross.

Sec. 12. (a) The candidate's name shall be printed in 8-point Roman capital type and shall be enclosed by lines above and below, three-eighths inch apart. Three three-eighths inch squares shall be provided at the right of the name of each candidate, wherein the voter may stamp a cross for that candidate as his first, second or third choice,. and at the top of each column of candidates the three columns of squares shall be designated "First Choice," "Second Choice" and "Third Choice" respectively.

Blank Spaces for Additional Candidates.

(b) Three-eighths inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be elected, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Other Requirements of Ballot.

Sec. 13. All ballots shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible, in each Assembly district to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column or columns may be provided on the right hand side for Charter amendments or other questions to be voted upon at the municipal elections, as provided for under the Charter.

Voting Machines.

Sec. 14. In the event of the use of voting machines, the ballot shall be arranged on the machines in the same form in each Assembly district as provided for the printed ballot.

No Party Designation.

Sec. 15. No party name or political designation or descriptive matter concerning the candidate shall appear on the ballot.

Form of Ballots.

Sec. 16. Except as to the order of names of candidates, the ballots shall be printed in the form designated by the Board of Election Commissioners.

Sample Ballots.

Sec. 17. The Registrar of Voters shall cause to be printed ballots identical with the ballot to be used in each Assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least ten days before the date fixed for such election, and shall mail to each voter entitled to vote at such election a copy of the ballot to be used in his district, so that all said sample ballots shall have been mailed at least eight days before said election.

Boards of Election.

Sec. 18. The Registrar of Voters shall, at each municipal or special municipal election, prepare lists for and select and appoint for each election precinct a precinct board of election officers to hold and conduct such election at the precinct for which said board is appointed. Such board shall consist of four persons—one inspector, one judge and two clerks, who shall perform all the duties required by law at such polling place, except as in this Chapter provided. In constituting such precinct board the Registrar shall have the power to excuse persons appointed whenever he is satisfied any such person ought to be excused, and to substitute new appointees in all cases when any person appointed shall

be excused or found disqualified or incompetent by the said Registrar of Voters, down to the time when the Registrar of Voters shall send the final inspector's list of such election officers to the inspector, which list shall be his final order of appointment.

Canvass of Returns and Determination of Results of Election.

Sec. 19. (a) The ballots cast at any given precinct shall not be counted at the polling place, but as soon as the polls are closed, the precinct election officers shall not open the ballot box except as may be necessary to close the mouth of the box, and see that the ballot box is correctly locked again without any ballot being removed or added and seal the same and separately seal the key in the manner provided by printed instructions from the Registrar of Voters, and as soon as said election officers have certified, signed and sealed the other packages or envelopes as required by law, such ballot box and key and packages shall be sent by not less than two of said precinct election officers to the office of the Registrar of Voters and there delivered to the Registrar, and until so delivered it shall be unlawful for such officers so conveying the same to allow any other person or persons to have possession of said ballot box or key or packages. Such officers shall proceed as continuously as possible to the office of the Registrar of Voters. Immediately upon the delivery of such ballot box to the Registrar of Voters or his deputy, said Registrar shall cause each such box to be plainly labeled with the correct number of the precinct in which such ballots were cast. The Registrar of Voters shall in such manner as he shall deem best calculated to provide competent persons, select and provide as many persons as he may deem necessary for the counting, tallying and certifying of returns of the vote cast in each precinct, and such persons shall have the qualifications required for election officers at State elections, save that all persons who are employed in the Department of Elections, or who report for service from the Civil Service of the City and County, shall, if not a candidate at such election, be qualified, save that none of the persons so selected need reside in a particular precinct. The persons so selected and provided shall be segregated by the Registrar of Voters or his deputies into counting boards respectively to consist of three persons each, and each such selected counting board shall proceed to count and tally such ballots by precincts separately under the direction of the Registrar of Voters or his deputies or such superintendents as the Registrar of Voters may direct, in the same manner provided by law for counting, tallying and certifying ballots at State elections except as herein otherwise provided. The form of tally sheets shall be provided and determined by the Registrar of Voters, and there shall be a certificate at the end thereof to the effect that the foregoing is the correct result of the election in such precinct, and such certificate shall be signed by the three persons who completed such tally list and return. The Registrar of Voters or any deputy empowered by him by writing may excuse or dismiss any person from any such counting board at pleasure and enforce

such order and substitute any person so provided by the Registrar of Voters in the place of any person so excused, dismissed, or who absents himself from said counting board. Any person acting on any such counting board who shall refuse to obey any lawful order of the Registrar or his deputy shall be guilty of a misdemeanor. The tally sheets shall be in duplicate, kept by two clerks, and one copy upon the completion thereof shall be sealed and signed across the flap in the manner provided by the laws of the State of California for sealing tally lists where votes are counted at the precinct, and the other tally list shall remain open for inspection in the office of the Registrar of Voters. The returns so sealed shall be securely kept by the Registrar until produced before the Board of Election Commissioners for official canvass in the manner provided by law.

The Registrar of Voters shall fix the compensation to be paid to each member of such respective counting boards for counting, tallying, completing and certifying such votes and returns, which compensation shall not exceed five cents to each member of such board respectively for each ballot so counted, tallied, completed and certified, and such claims and demands when certified by the Registrar or his deputy and presented to the Board of Election Commissioners shall be allowed in open session, and the Auditor shall audit and the Treasurer pay such claims out of the general fund. Except as herein otherwise provided, the provisions of the laws of the State of California applicable to State elections or State election officers, and such laws relating to the official canvass and declaration of the result of State election returns shall apply to the counting, tallying, certifying, sealing, custody and official canvass of the ballots and returns counted and returned under the provisions of this Chapter. If there shall not be room enough in the Department of Elections for the counting of said votes, the Registrar of Voters may cause such counting to proceed in any place under the control of the City and County which may be obtained by him for such purpose, provided, that a notice of the location of such place be conspicuously displayed in the Department of Elections. Said votes shall be counted in a place open to the public, and the boards counting the same shall enter the total number thereof on the tally sheets provided therefor. They then shall count and enter the number of the first, second and third choice votes for each candidate on said tally sheet and make returns thereof to the Board of Election Commissioners as herein required. The canvass must be public, in the presence of bystanders and must be continuous, without adjournment, until completed and the result thereof is declared. Any candidate shall be entitled to a representative among the bystanders.

The provisions of this Chapter relating to counting the ballots shall not apply to a special municipal election at which a proposition or propositions, or question or questions, only is, or are, voted upon; but the ballots at all such special elections shall be counted at the respective polling places and returned by the precinct election boards under the laws applicable to such elections.

(b) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. If a ballot contain either first or second or third choice votes for any office in excess of the number of places to be filled for such office no vote for that office in the column showing such excess shall be counted.

(c) Paragraph (b) of this section shall be printed conspicuously on the tally sheet.

(d) Candidates receiving a majority of the first choice votes for any office shall be elected. If the full number of candidates to be elected do not receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not elected by first choice votes; said second choice votes shall be added to the first choice votes received by such candidates and candidates who by such addition shall receive a majority shall be elected.

(e) If by the count of either first choice votes or first and second choice votes, as above provided, more candidates than there are offices to be filled shall receive a majority, the candidate or candidates equal in number to the number of offices to be filled having the highest vote shall be elected.

(f) If the full number of candidates to be elected do not receive a majority by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not elected, either by first choice votes or by adding first and second choice votes. Said third choice votes shall be added to the first and second choice votes received by such candidates, and the candidates, equal in number to the number of offices remaining to be filled, who receive the highest number of votes by said addition shall be elected.

(g) The above subdivisions (d), (e) and (f) shall be applied and carried out in the making of the official canvass and the declaration of the official result.—*As amended November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

Ties.

Sec. 20. A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they are also equal in that respect then the highest number of second choice votes shall determine the result. If this does not decide, then the tie shall be determined by lot, under the direction of the Board of Election Commissioners.

Majority Defined.

Sec. 21. A majority vote for any candidate for an office where but one is to be elected shall be deemed to be more than one-half of the total number of first choice votes cast for all candidates for such office.

A majority vote for a candidate for an office where a group is to be elected shall be more than one-half of the number secured by dividing the total of first choice votes cast for all candidates for such office by the number of places to be filled.

Failure of Persons Elected to Qualify.

Sec. 22. If a person elected fails to qualify, the office shall be filled as in this Charter provided for a vacancy in such office.

Informalities of Election.

Sec. 23. No informalities in conducting municipal elections shall invalidate elections if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

Salary of Registrar.

Sec. 24. From and after the first day of July, 1917, the annual salary of the Registrar of Voters shall be fixed by resolution of the Board of Election Commissioners of the City and County of San Francisco. Any provision of this Charter contrary to or inconsistent with the provisions of this section is hereby repealed.

"Entire Vote"—How Computed.

Sec. 25. After the election of a Mayor for a full term at an election held under and pursuant to the provisions of this Chapter, the words "entire vote for all candidates for the office of Mayor" as used in the initiative Chapter III of Article XI of this Charter and the words "entire vote cast for Mayor" as used in the referendum Chapter IV of Article XI of this Charter and as used in the recall Chapter V of Article XI of this Charter, shall in each respective case where such words are so used be deemed to mean the total of first choice votes cast for all candidates for Mayor for a full term at an election held under this Chapter.—*Chapter II amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes 1917, page 1708).*

CHAPTER III.

THE INITIATIVE.

Acts of Supervisors and Legislative Acts.

Section 1. The registered voters shall have power to propose by petition and to adopt or to reject at the polls, any ordinance, act or other measure which is within the power conferred upon the Board of Supervisors, or any legislative measure which is within the power conferred upon any other Board, Commission or Officer. Such ordinance, act or other measure may be proposed by filing with the Board of Election Commissioners a petition setting forth said measure in full, signed by registered voters of the City and County as many in number as the percentages hereinafter required of the entire vote for all candidates for the office of Mayor cast at the last preceding regular municipal election.

Signatures.

Sec. 2. The words "registered voters" as used in this chapter, shall mean qualified voters whose names appear on the records of registration for the current or next preceding year. The signatures to the petition need not all be appended to one paper, but said petition may be presented in section. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same.

Any qualified voter of the city and county is competent to solicit signatures and make the affidavit of verification to said signatures. Each signer to said petition shall add to his or her signature his or her place of residence, giving the street and number, and there shall be also added by the said solicitor such other matter as is authorized by this section. Every section of such petition shall be verified by the person soliciting such signatures by his or her affidavit, which affidavit shall be in the following form, with the blank spaces properly filled in:

"STATE OF CALIFORNIA, }
City and County of San Francisco } ss.

(.....), being duly sworn, deposes and says that ....he is the person who in person solicited each and every signature to the annexed section of said petition, and that deponent has with pen and ink or indelible pencil, numbered each such signature seriatim, commencing with number 1. That no person signed said petition upon said section except in the presence of deponent. That said section has not been left at any time where any person could sign the same except in the personal presence of deponent. That each and every signature to said section was made in the personal presence of deponent, and that to the best of his (.....) knowledge and belief each signature is the genuine signature of the person whose name purports to be thereunto subscribed. That deponent was at the time of soliciting such signature, and now is, a duly qualified voter of the said city and county."

Said affidavit shall be subscribed by the person making such affidavit and sworn to by such person before a person authorized to take such oath to such affidavit. Each section of such petition must be prepared substantially in accordance with the requirements of this chapter, and all signing, not made, numbered and verified substantially in accordance with the requirements of this chapter shall be disregarded. The Registrar of Voters shall print sample sheets for signing such petition, in blank, and sample blank affidavits of verification, and furnish a copy of each to any person desiring to get up a petition.

The affidavit herein provided for shall be at the end of each section. The solicitor of such signatures, before his affidavit is taken, must number each signature upon the section seriatim, beginning with number 1, at the right hand of the residence opposite to each signature to such section in a column to be made for

that purpose; such numbering must be with pen and ink or indelible pencil. There shall also be to the left hand of such signatures, a column at least one inch wide, in blank headed "Precinct," and to the left of that, an additional blank space, substantially one-half inch wide, to admit of such abbreviations as the Registrar shall deem necessary to the expeditious mode of verification of such petition. All precincting shall be done by the office of the said Registrar, but no section or signature shall be rejected, because precincts have been inserted elsewhere, before filing. Any signer to a petition may withdraw his name from the same by filing with the Registrar of Voters a verified revocation of his signature before the filing of the petition. No signature can be revoked after the petition has been filed. The Registrar of Voters, or his deputy shall indorse on said petition the names of three persons who filed said petition, and the date of the filing of the same at the time of filing said petition. Unless and until it be proven otherwise by official investigation by the Registrar of Voters, it shall be presumed that the petition filed conforms to all legal requirements, and contains the signatures of the requisite number of registered voters, and after an election based thereon, the sufficiency of such petition shall not be questioned.—*As amended November 7, 1916: approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Verification.

Sec. 3. The Registrar of Voters shall have fifteen (15) days after the filing of such petition, and the same time after receipt by him of a Charter amendment petition in which to verify the same and certify the result thereof in the manner provided by this section. Within such time, the Registrar of Voters shall finally determine from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote. If any signature be called in question, the said Registrar of Voters shall mail notice to such purported signer, stating that his or her name is attached to such petition and citing him or her to appear before said Registrar of Voters forthwith, naming the time and place. Said citation shall inclose a blank affidavit, denying that the person signing such affidavit signed such petition, and said citation shall also contain a statement, that a blank affidavit denying that such person signed such petition, is enclosed, and that if such person does not desire to attend in person to deny his signature he may swear to such affidavit of denial before any officer authorized to take oaths, and mail the same to the Registrar of Voters, and that if he does not so attend and deny such signature in person, or by making and mailing such affidavit of denial, that his purported signature to such petition will be treated as genuine.

Unless said purported signer shall appear when cited and deny his signature under oath before said Registrar, or his deputy, or unless the Registrar of Voters shall receive such sworn affidavit of denial of such signature, before the time when by this chapter the

said Registrar must, as aforesaid, make such final determination, such signature must be counted as genuine.

The Registrar shall keep a list of the names of all purported signers who appear before him and deny their signatures under oath, and also file and keep such affidavits, for at least five years.

The Board of Supervisors shall make necessary appropriation of money, and the Board of Election Commissioners shall allow to the Registrar of Voters all the extra help he may require for the purpose of examining and making investigation of such petition. The Registrar of Voters, upon the completion of such examination and determination, shall forthwith attach to said petition his certificate properly dated and showing the result of said examination, and shall forthwith mail a copy of said certificate to the respective persons endorsed by him on said petition as filers thereof. If by said certificate the petition is shown to be insufficient, it may be amended by additional signatures within twenty days after the date of said certificate, in the same manner in all respects as required for the original petition. Within ten days after the filing of such amended or supplemental petition, the Registrar of Voters shall make like examination and determination of the amended or supplemental petition, and attach and mail a like certificate. If upon the examination and certification of such original petition, or such original and supplemental petition, it shall appear that a sufficient number of qualified voters have signed such petition to require an election to be held thereon, the Registrar of Voters shall, if a special election is required to be held upon such petition, require the Board of Election Commissioners to meet in not less than five days after the date of his certificate that such petition is sufficient, and if no regular meeting of the Board of Election Commissioners is set within such required period, the Registrar of Voters is authorized and required to issue a call for a special meeting of said Board to convene within the required time, and at such meeting of the Board, or any of the meetings of the Board within said required time, said Registrar of Voters shall report the sufficiency of such petition to said Board of Election Commissioners and exhibit a certificate or certificates attached to said petition, or amended petition, or both, and said Board shall, if said certificate show the petition sufficient, call an election as required. If, however, after the examination of said petition and any amended or supplemental petition, or after the expiration of the time when the supplemental petition is permitted to be filed, said petition is shown insufficient, the Registrar of Voters shall report such insufficiency to the Board of Election Commissioners at their next regular meeting after the fact of such insufficiency shall have become final, and exhibit his certificate or certificates so attached to such petition or petitions. A petition finally insufficient does not prevent a new proceeding.

The words "last preceding regular municipal election", or "last preceding general municipal election", wherever the same occur in Chapters III, IV or V of said Article XI of said Charter, mean the last municipal election at which a mayor for said city and county

was elected for a full term.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Ten Per Centum for Special Election.

Sec. 4. If the petition accompanying the proposed measure be signed by registered voters as many in number as ten per cent of the said entire vote, and contains a request that said measure be submitted forthwith to a vote of the electorate at a special election, then the Board of Election Commissioners shall forthwith call a special election, which shall be held at a date not more than thirty days from the date of calling the same, at which said measure, without alteration, shall be submitted to a vote of the electorate.

Four Per Centum for General Election.

Sec. 5. If the petition be signed by registered voters as many in number as four per cent but less than ten per cent of the said entire vote, or if for any reason any measure proposed by a petition signed by registered voters as many in number as ten per cent of said entire vote has not been submitted at a special election as provided in Section 4 of this Chapter, then, in either event, such measure or measures, without alteration, shall be submitted by the Board of Election Commissioners to a vote of the electorate at the next general State or municipal election that shall occur at any time after thirty days from the date of the certificate of sufficiency attached to the petition accompanying such measure.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Form of Ballot. Majority Vote.

Sec. 6. The ballots used when voting upon said proposed measure shall contain a general statement thereof, followed by the words "Yes" and "No," so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count.

Competing and Conflicting Measures. Repeal.

Sec. 7. When there are two or more measures proposed to secure the same general purpose, the Board of Election Commissioners shall so declare, and shall have the ballots so printed that the voter (first) can choose between any measure or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the measure receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more measures are tied for the highest vote, they shall be resubmitted at the next ensuing general election. If there is a conflict between two or more measures or between two or more Charter amendments

adopted at the same election, then the measure or Charter amendment receiving the highest affirmative vote shall prevail. No ordinance or measure approved by the electorate under the provision of this Chapter shall be subject to veto, or be amended or repealed except by vote of the electorate, unless such ordinance or measure shall otherwise provide.

Elections.

Sec. 8. All arrangements for an election under this Chapter shall be made and the same shall be conducted, returned, and the results thereof declared, so far as practicable, in all respects as are municipal elections, and State penal laws applicable to general elections shall apply to elections held hereunder; *provided*, if there be any conflict of provisions, this Chapter shall control. Any number of proposed measures, ordinances, referendum petitions, or other measures, may be submitted on one petition and may be voted upon at the same election in accordance with the provisions of this Chapter; *provided*, that there shall not be held under this Chapter more than one special election within a period of six months.

Measure to Be Mailed to Voters.

Sec. 9. Whenever any measure is required by this Charter to be submitted to the voters of the City and County at any election, the Board of Election Commissioners shall cause the measure to be printed, in substantially the same form as the latest municipal edition of this Charter, and they shall enclose a printed copy thereof, in an envelope with a sample ballot, and mail the same to each voter, at least five days prior to the election.

Arguments to Be Mailed to Voters.

Sec. 10. If said proposition be submitted upon an initiative petition of the registered voters, the persons filing said petition shall have the right to present to the Board of Election Commissioners, at any time twenty-five days prior to said election, copies of printed arguments favoring said proposition; if said proposition be submitted by the Mayor, or by the Board of Supervisors, or by one-third of the Board of Supervisors, or by persons filing a referendary petition, they shall have a similar right to present copies of printed arguments; said arguments shall be printed in substantially the same form as the latest municipal edition of this Charter, and shall not exceed eight pages in length upon each proposition. Any person, committee or organization opposing any proposition may each present, in like manner and of the same form and amount and within the same time, printed arguments opposing said proposition. Copies of said arguments either for or against, shall be presented equal in number to five per cent in excess of the total number of registered voters. The Board of Election Commissioners shall cause one copy of each of said arguments to be bound with their copy of the measure or amendment which is to be mailed to each voter as required by Section 9 of this Chapter.

Election Is Mandatory.

Sec. 11. If any measure proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this Charter be not submitted to the voters at or within the time elsewhere specified in this Charter, such petition shall remain in force until such measure shall be submitted to a vote, and no bond issue, or other measure proposed by the Board of Supervisors shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the measures upon which a vote is requested by petition, if any vote be so requested upon which a vote has not been taken at or within the time elsewhere specified in this Charter. This section is prohibitory and mandatory.

Charter Amendments.

Sec. 12. The provisions of this Chapter, unless prohibited by the State Constitution, shall apply to the proposal, submission and adoption of Charter amendments.

Declarations of Policy.

Sec. 13. Any declaration of policy or principle of legislation may be submitted to the electors in the manner provided for the submission of ordinances; and when approved by a majority of the voters voting at any election, it shall thereupon be the duty of the Board of Supervisors or other legislative body to enact an ordinance or ordinances to carry such policies or principles into effect, subject to the referendum provisions of Chapter IV of Article XI of this Charter.

Special Election Fund.

Sec. 14. In the first annual budget to be hereafter adopted by the Board of Supervisors, said Board shall appropriate not less than fifty thousand dollars, to be known as the special election fund, to be used exclusively for defraying the cost of verifying petitions and other expenses of special elections initiated by petition of the electorate, including recall elections. In the event of the expenditure of any of said fund, the Board of Supervisors in the next succeeding annual budget shall appropriate a sum sufficient to replete said Special Election Fund.

Substantial Compliance.

Sec. 15. A substantial compliance with the provisions of this Chapter shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Repeal of Present Provision.

Sec. 16. Section 20 of Chapter I, of Article II of said Charter, relating to initiative petitions, is hereby repealed.

CHAPTER IV.

THE REFERENDUM.

Public Utilities.

Section 1. Every ordinance or other measure involving the lease or sale of any public utility, or the granting of a new franchise for the operation of any public utility whose franchise has expired or is about to expire, must be referred and submitted to the vote of the electors of the City and County at the election next ensuing not less than sixty days after the adoption of such ordinance, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by Supervisors. By Mayor.

Sec. 2. Any ordinance which the Supervisors are empowered to pass may be submitted by a majority of the Board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one-third of the Supervisors or by the Mayor, and when so proposed shall be submitted to the electors at the next succeeding general election.

Referendum by Electors.

Sec. 3. No ordinance passed by the Supervisors granting any public utility franchise or privilege, or authorizing the lease or sale of any lands, or authorizing the purchase of lands of more than fifty thousand dollars in value shall go into effect until the expiration of sixty days from the date it becomes final: (*a*) by approval of the Mayor; (*b*) or without his approval by the expiration of the time prescribed by this Charter within which he may disapprove it; or (*c*) by its passage by the Board of Supervisors over his objections in the event of such disapproval. At the end of such sixty days such ordinance shall be in force and effect, unless within such period there shall be filed with the Election Commissioners a petition signed by registered voters equal in number to five per cent of the entire vote cast for Mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

Regulations Governing Petitions.

Sec. 4. A petition asking that any ordinance be submitted to the electors shall conform to the provisions of Sections 2 and 3 of Chapter III of this Article (the initiative), which are hereby made a part hereof.

Time of Elections.

Sec. 5. If a petition be filed more than sixty days and less than ninety days prior to a general election, it shall be submitted

at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the Supervisors shall decide.

Elections—How Conducted.

Sec. 6. Sections 6, 7, 8, 9, 10, 11 and 15 of Chapter III (the initiative), so far as applicable, shall govern elections held under the authority of this Chapter.

Majority Vote.

Sec. 7. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect ten days after the determination of the official count; otherwise it shall be repealed and rejected.

Substantial Compliance.

Sec. 8. A substantial compliance with the provisions of this Chapter shall be sufficient for the holding of an election hereunder and for the approval or rejection of any measure submitted thereat.

Repeal.

Sec. 9. Section 21 of Chapter I of Article II of this Charter is hereby repealed.

CHAPTER V.

THE RECALL.

Elected Officials. Ten Per Centum. Statement of Grounds.

Section 1. The holder of any elective office may be removed or recalled by the electors. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed or recalled shall be filed with the Board of Election Commissioners. Such petition shall be signed by registered voters equal in number to at least ten per cent of the entire vote cast for Mayor at the last preceding general municipal election: *provided*, that not less than seven thousand nor more than fifteen thousand signatures of such electors shall be required on such petition. Said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held hereunder. No recall petition shall be filed against any officer until he has actually held his office for at least four months.

Signatures. Verification.

Sec. 2. Said petition shall be in all respects in accordance with the provisions of Sections 2 and 3 of Chapter III (the initiative) of Article XI of this Charter, which sections are hereby made part

hereof, and shall be examined and certified as provided by said sections last mentioned.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Special Election.

Sec. 3. Unless the petition shall be found insufficient in the number of signatures of registered voters attached thereto, within the time provided for examining and certifying the result of the examination of said petition, the Board of Election Commissioners shall, within the time provided therefor, order and fix a date for holding the said election, said date to be not less than thirty-five nor more than fifty days after the date of the order fixing the date of said election; *provided, however,* that where the office has become vacant by death, resignation or otherwise, between the time of the filing of the petition and the fixing of a date for an election, no recall election shall be held. Such vacancy shall be filled in the manner provided by this Charter. If a vacancy occur in said office after a date for holding said election has been fixed, as herein provided, the election shall nevertheless proceed as in this Chapter provided.—*As amended November 7, 1916; approved by the Legislature January 18, 1917. (Statutes, 1917, page 1708.)*

Several Removals at One Election. Publication.

Sec. 4. One petition is competent to propose the removal and election of one or more elective officials. One special election is competent for the removal and election of one or more elective officials. The Board of Election Commissioners shall make or cause to be made due publication of notice of said election.

Nominations.

Sec. 5. The Registrar of Voters shall in any recall election place upon the ballot the name of the incumbent whose removal is thus sought, unless such incumbent shall file in writing a request that his name do not appear. Any person may be nominated for any office sought to be filled at such recall election by filing the declaration of candidacy and the certificates of not less than ten or more than twenty sponsors in the form provided in Chapter II of this article for the general municipal election. Such declaration and certificates shall be filed with the Registrar of Voters not less than twenty-five nor more than thirty-five days before the date set for the recall election.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Sample Ballot. Printed Statements.

Sec. 6. Upon the sample ballot there shall be printed in not more than three hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and upon the same ballot in not more than three hundred words the officer may justify his course in office.

Form of Ballot. Election.

Sec. 7. Elections for the recall or removal of an elected officer shall be conducted as provided in Chapter II of this article for the election of officers at the general municipal election, and the ballots shall be prepared, cast and counted in the manner therein prescribed.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Removal. Successor. Second Recall.

Sec. 8. If some other person than the incumbent receive the number of votes required to constitute an election the incumbent shall thereupon be deemed removed from office and the person so elected shall succeed him upon taking the oath of office. The successor of the official so removed shall hold office during the unexpired portion of the term for which such official was elected, unless sooner recalled under the provisions of this Chapter. If the incumbent receive the number of votes necessary to constitute an election, he shall continue in office; and it shall require not less than double the number of signatures provided in Section 1 of this Chapter to initiate a second election for his recall; and if reelected at such second recall election it shall require not less than three times the number of signatures provided in Section 1 of this Chapter to initiate a third election for the recall of such officer during the term for which he was elected.—*As amended November 7, 1916; approved by the Legislature January 18, 1917 (Statutes, 1917, page 1708).*

Reimbursement for Election Expenses.

Sec. 9. If the incumbent receive a majority of the votes at such recall election, he shall be reimbursed out of the Special Election Fund for his expenses in such recall election; *provided*, that such payment shall not exceed the amount he is permitted to spend under the Purity of Elections Act now in force.

Vacancies. Disqualification.

Sec. 10. In the event of a vacancy occurring in any such office between the date of the filing of such petition with the Board of Election Commissioners and the holding of such election where such petition is found sufficient, such vacancy shall be filled in the same manner as other vacancies occurring in such office, but the person selected to fill such vacancy shall hold such office only until the person elected in accordance with the provisions of this Chapter shall qualify. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years after such recall or resignation.

Substantial Compliance.

Sec. 11. A substantial compliance with the provisions of this Chapter shall be sufficient for the holding of an election, and for the removal and election of any officer thereunder.

Repeal of Present Provisions.

Sec. 12. Section 23 of Chapter I of Article II of said Charter, relating to the recall of elected officials, is hereby repealed.

In Effect January 8, 1912.

Sec. 13. This Chapter shall go into effect January 8, 1912.—*Chapters III, IV and V added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

ARTICLE XII.

ACQUISITION OF PUBLIC UTILITIES.

Intention of the People.

It is hereby declared to be the purpose and intention of the people of the City and County that its public utilities shall be gradually acquired and ultimately owned by the City and County. To this end it is hereby ordained:

Plans and Estimates of Cost of Construction. Cost of Water Works. Sources of Supply. Supervisors to Negotiate for Acquisition.

Section 1. Whenever the Board of Supervisors by ordinance, as hereinafter provided, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Section 3 of this Article, for the acquisition of any public utility or utilities, the Board of Supervisors must procure from the Board of Public Works, through the City Engineer, plans and estimates of the cost of original construction and completion, by the City and County, of such public utility or utilities.

In securing estimates of the cost of original construction and completion of water works, by the City and County, the Board of Supervisors must procure, as hereinabove specified, and place on file plans and estimates of the cost of obtaining from such sources as the Board of Supervisors may designate as available, a sufficient supply of good, pure water for the City and County.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 591).*

Offers for the Sale of Utilities.

Sec. 2. Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the Board of Supervisors must solicit and consider offers for the sale to the City and County of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 591).*

Petition of Electors. Duty of Supervisors. Duty of Clerk. Mayor May Also Submit Proposition. Two Alternative Propositions. Supervisors May Proceed at Once. Power of Supervisors.

Sec. 3. Whenever a petition or petitions, each signed by electors of the City and County equal in number to fifteen per centum of all the votes cast in the City and County at the last preceding general election, shall be presented to the Board of Supervisors, setting forth that the signers of such petition or petitions favor the acquisition of the public utility or utilities therein named, it shall be the duty of the Clerk of the Board of Supervisors to imme-

diately proceed to examine and verify the signatures to such petition or petitions, and to certify the result of such examination to the Board of Supervisors. If the required number of signatures be found to be genuine, the Clerk shall transmit to the Mayor an authentic copy of such petition or petitions, without the signatures thereto.

Upon receiving a certificate of the Clerk that the petition or petitions contain the required number of genuine signatures, it shall be the duty of the Board of Supervisors to procure, in the manner specified in Section 1 of this Article, plans and estimates of the cost of original construction and completion of each public utility named in such petition or petitions.

Thereafter, the Board of Supervisors shall formulate for submission to the electors of the City and County at a special election called for the purpose, a separate proposition for the acquisition of each public utility named in such petition or petitions.

The Mayor shall also have the right to formulate and submit to the electors, at such special election, a proposition for the acquisition of each public utility named in such petition or petitions, separate from the proposition therefor formulated by the Board of Supervisors.

All propositions formulated under the provision of this Section shall be completed within six months after the filing of such petition or petitions.

Nothing in this Section shall be so construed as to prohibit the Board of Supervisors from responding to the aforesaid petition or petitions of the electors requesting the acquisition of any public utility or utilities by proceeding at once, without the submission of propositions to the electors as aforesaid, to pass an Ordinance declaring its determination, as provided in Section 5 of this Article, to acquire the same, and from proceeding thereafter to secure the acquisition thereof, as hereinafter provided.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 591).*

Supervisors to Call Special Election When and for What Purpose. Acquisition Through Annual Revenues. Majority of Electors to Decide. Acquisition Through Bond Issues. Board to Undertake Proceedings When. Two-Thirds Vote of Electors to Decide.

Sec. 4. At the next regular meeting after the completion of the proposition or propositions for the acquisition of the public utility or utilities named in such petition or petitions, the Board of Supervisors by Ordinance, as hereinafter in Section 6 provided, shall call a special election, at which the propositions of the Board of Supervisors and of the Mayor, if he formulate any, shall be submitted to the electors of the City and County.

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the annual revenues of the City and County in addition to the other necessary expenses there-

of, each proposition therefor, submitted to the electors, shall specify the cost of the utility therein proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and the Board of Supervisors shall submit therein to the electors the question whether the same shall be acquired upon such terms. A majority of the electors voting at such special election shall be necessary to accept such proposition.

At as early a date after the determination of the result of such special election as the Board of Supervisors shall deem for the best interests of the City and County, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition of any public utility or utilities named in any proposition or propositions accepted by a majority of the electors voting at such special election.

If, however, the cost of any public utility or utilities, named in any petition or petitions of the electors, shall so far exceed the annual revenues of the City and County, in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, each proposition for the acquisition of such public utility or utilities shall specify the amount of the bonded indebtedness necessary therefor and the rate of interest thereon, and the Board of Supervisors shall submit to the electors, at such special election, the question whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to secure the acquisition of such public utility or utilities and to warrant the issuance of municipal bonds therefor.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 592).*

Ordinance of Intention to Be Published Two Weeks. Duty of Board When Cost Can Be Paid Out of Annual Revenues. Incurring of Municipal Bonded Indebtedness.

Sec. 5. Whenever the Board of Supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an Ordinance, which shall also direct the Board of Public Works to procure and file plans and estimates of the cost of original construction and completion of such public utility or utilities. Such Ordinance shall be published for at least two weeks in the official newspaper.

When the cost of such public utilities, or any of them, can be paid out of the annual revenues of the City and County in addition to the other necessary expenses thereof, the Board of Supervisors shall, as soon after the filing of the plans and estimates of cost thereof as it may deem for the best interests of the City and County, enter into such negotiations and contracts as may be necessary for the acquisition of the same.

If, however, the cost of such public utilities, or any of them, shall so far exceed the annual revenues of the City and County in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, the Board of Supervisors shall, at any regular meeting held within eight weeks after the filing of the plans and estimates of cost thereof, by Ordinance, as hereinafter in Section 6 of this Article provided, call a special election, at which shall be submitted to the electors a proposition or propositions for the acquisition of such public utility or utilities. Such propositions shall specify the amount of the bonded indebtedness necessary for the acquisition of the utility or utilities therein named and the rate of interest thereon, and the Board of Supervisors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to warrant the issuance of municipal bonds for the acquisition of such public utility, or any of them.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 593).*

Ordinance Calling Special Election. Questions to Be Submitted.

Sec. 6. Whenever, under the provisions of this Article, it shall be necessary to call a special election for the purpose of submitting to the electors a proposition or propositions for the acquisition of public utilities, the Board of Supervisors shall pass an Ordinance calling such special election for such purpose.

At such special election all propositions for the acquisition of public utilities, formulated under the provisions of this Article, may be submitted to the electors of the City and County. No question except the acquisition of public utilities and the incurring of municipal indebtedness therefor shall be submitted at such special election.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 591).*

Ordinance for Special Election Shall Set Forth What. Bonded Indebtedness.

Sec. 7. The Ordinance calling such special election shall set forth the purposes for which the election is called, the estimated cost of each utility proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election and the manner of voting for or against each proposition thereat submitted to the electors; and, if it shall be necessary to incur a municipal indebtedness for any utility or utilities therein proposed for acquisition by the City and County, the Ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the City and County shall issue for the payment of the cost of such utility or utilities, as in such Ordinance set forth (if the proposition or propositions therefor be accepted by the electors). Such

election shall be held as provided by law for holding elections in the City and County.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 594).*

Publication of Ordinance for Ten Days. Notice of Election for Fourteen Days.

Sec. 8. Such Ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 594).*

Limit of Indebtedness.

Sec. 9. No indebtedness shall be incurred for the acquisition of any public utilities under the provisions of this Article, which, together with the existing bonded indebtedness of the City and County, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the City and County; *provided*, that any bonded indebtedness which may be incurred under the provisions of Section 29*a* of Article XVI of the Charter, in aid of an exposition to celebrate the completion of the Panama Canal, shall be exclusive of the bonded indebtedness of the City and County limited by this Section.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Bonds for Acquisition of Public Utilities. Form. Denomination. How Sold. Proceeds of Sale: to What Applied. Unsold Bonds. Unsold Bonds Heretofore Issued. Registered Bonds.

Sec. 10. The bonds issued under the provisions of this Article shall be of such form as the Supervisors in the ordinance calling the election therefor shall determine; but such bonds shall be payable, interest and principal, in gold coin of the United States. The interest on such bonds shall not exceed 5 per cent per annum, and they shall be redeemed at such times and in such amounts as the Supervisors shall determine, as set forth in the ordinance calling the special election; *provided*, that redemption of such bonds shall begin in not more than eighteen years and shall be completed in not more than seventy-five years from the date of the issue.

The bonds so issued shall be exempt from all taxation for municipal purposes and shall be issued in denominations of not less than ten dollars and not more than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and the lowest denominations.

The Supervisors shall fix the times and places at which the payment of interest or principal may be made.

Such bonds when issued may be sold by the Supervisors from time to time, as required, and in such quantities as they may determine. When such bonds are offered for sale they shall be advertised in the official paper and otherwise if so ordered by the Supervisors and sealed proposals for the purchase of the whole or any part thereof offered shall be opened at the time specified in such advertisements. All proposals for the purchase of such bonds shall be accompanied by a deposit of 5 per cent of the amount bid in lawful money of the United States or by a deposit of a certified check payable to the Clerk of the Board of Supervisors of the City and County for a like sum; *provided,* that no deposit need exceed the sum of ten thousand dollars, and that no deposit need be given by the State of California, which money or check shall be forfeited by the bidder in case he fails to accept and pay for the bonds bid for by him if his bid is accepted. Bonds shall be sold to the highest bidder for not less than par, but the Supervisors shall have the right to reject any or all bids made for the purchase thereof. If less than the amount of bonds offered shall be sold, the Supervisors may, with the concurrence of fourteen members and the Mayor, place such unsold bonds on sale at the City Treasury, or at branches thereof established by the Treasurer for public convenience; and such bonds may be sold to any applicant at such prices as may be fixed by the Supervisors; *provided,* that such prices shall not be less than par and accrued interest.

The proceeds of any sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished; after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such surplus exceeds the sum of two thousand dollars, then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

If the bonds or any of them offered for sale shall remain unsold the Supervisors may so declare, and may, with the concurrence of fourteen members and the Mayor, cancel such unsold bonds: *provided,* that no bonds shall be canceled as aforesaid unless the same have been offered for sale by advertisement, as above provided, at least three separate times at intervals of not less than thirty days; *and, provided,* that no such bonds shall be canceled by the Supervisors as aforesaid for which par or above has been bid by any bona fide responsible bidder or bidders.

The provisions of this Section, regarding the cancellation of unsold bonds, shall apply to any bonds that have been heretofore issued or to any bonds that have been heretofore authorized by a vote of the electors of the City and County under this Section or under Section 29 of Article XVI of this Charter, and that remain

unsold after efforts to sell the same shall have been made as above provided.

Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by the City and County shall present any such bond to the Treasurer with a request for the conversion of such bond into a registered bond, such Treasurer shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time, any such bond may be transferred by such registered owner in person, or by attorney duly authorized, on presentation of such bond to Treasurer, and the bond be again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be in substantially the following form:

(Date—giving month, year and day.)

This bond is registered pursuant to Charter of the City and County of San Francisco, State of California, in the name of——— (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

———————

Treasurer.

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such Treasurer shall keep in his office a book or books which shall, at all times, show what bonds are registered and in whose names, respectively.—*As amended November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 15).*

Supervisors to Sell Library Bonds.

Sec. 10*a*. The Board of Supervisors is hereby authorized to sell certain bonds authorized at an election held September 29, 1903, and described as "Library Bonds," dated July 1, 1904, below the par value thereof, such price, however, not to be less than that which will net the purchaser four and one-half per cent per annum according to the standard table of bond values. The signatures of the officers in office at the time such bonds were dated affixed to such bonds shall be sufficient to establish their validity.—*New Section added by amendment December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Signatures. Coupons.

Sec. 11. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the Auditor. The coupons shall be numbered consecutively and signed by the Treasurer, and

the bonds and coupons shall be payable at the office of the Treasurer.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes 1903, page 595).*

Levy of Tax to Pay Annual Interest on Bonds.

Sec. 12. At the time of levying the municipal tax, and in the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also such part of the bonded municipal indebtedness as will fall due within the succeeding fiscal year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year; *provided,* that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility can be met out of the surplus earnings of such public utility for the preceding fiscal year, no tax shall be levied for such purpose. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.—*As amended November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 17).*

Penalty for Failure to Enforce This Article.

Sec. 13. A neglect or refusal on the part of the Supervisors to comply with the provisions of this Article shall constitute cause for the removal from office of any member or members of the Board guilty of such neglect or refusal.—*As amended December 4, 1902; approved by the Legislature February 5, 1903 (Statutes, 1903, page 596).*

Power to Acquire Public Utilities.

Sec. 14. The City and County shall have power to acquire, construct or complete any public utility from funds derived from taxes levied for that purpose, or from funds derived from the sale of bonds issued for that purpose, as is provided in this Charter, and may operate, maintain, sell or lease the same, subject to the other provisions and limitations of this Charter.

Acquisition of Lands for Water Purposes.

Sec. 15. The Supervisors shall have power, in the name and for the benefit of the City and County, to acquire by purchase or condemnation, subject to the conditions and limitations in this Charter and the general laws of the State prescribed, any lands situated within the State of California necessary for constructing or maintaining canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the City and County, or the inhabitants thereof.

Disposition of Receipts From Public Utilities.

Sec. 16. 1. Whenever any public utility shall be operated by the City and County, the receipts from such utility shall be paid daily into the city treasury, and maintained in a special fund set

aside for such utility. The Supervisors may, from time to time, make appropriations from such funds for the following purposes:

(*a*) For the payment of the operating expenses of such utility;

(*b*) For repairs and reconstruction;

(*c*) For payment of interest and sinking fund on the bonds issued for the acquisition or construction of such utility;

(*d*) For extensions and improvements;

(*e*) For a reserve fund.

Reserve Fund.

2. Whenever the Reserve Fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the Supervisors shall have the power to appropriate such excess to the General Fund.

Books of Account.

3. The City and County, when owning any public utility, shall keep the books of account for such public utility distinct from other City and County accounts, and in such manner as to show the true and complete financial results of such municipal ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the City and County of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, and, in case of such municipal operation, the amounts set aside for Sinking Fund purposes. If any service shall be furnished for the use of such public utility without charge, the accounts shall show as nearly as possible the value of such service, and also the value of such similar service rendered by the public utility to any other municipal department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Supervisors shall cause to be printed annually for public distribution a report showing the financial results, in form as aforesaid, of such municipal ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the Supervisors the result of his examination. Such expert accountant shall be selected in such manner as the Supervisors may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the Supervisors may prescribe.—*Sections 14, 15, 16 added by amendment adopted November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 37).*

ARTICLE XIII.

CIVIL SERVICE.

Appointment and Removal of Commissioners.

Section 1. The Mayor shall appoint three persons as Civil Service Commissioners, who shall constitute the Civil Service Commission. The persons so appointed shall, before taking office, make under oath, and file in the office of the County Clerk, the following declaration: "I am opposed to appointments to the Civil Service as a reward for political activity, and will execute the duties of Civil Service Commissioner in the spirit of this declaration." The term of one Commissioner shall terminate at twelve o'clock noon, July 1, 1915; the term of another shall terminate at twelve o'clock noon, July 1, 1917, and the term of another shall terminate at twelve o'clock noon, July 1, 1919. On the expiration of the term of any such Commissioner the Mayor shall appoint a successor with like qualifications to serve as a Commissioner for a term of six years. Each of the Commissioners shall receive an annual salary of twelve hundred dollars. The Commissioners may be removed from office in the same manner as are elective officers of the City and County, and not otherwise. The Supervisors shall appropriate annually not less than twelve thousand five hundred dollars for the expenses of the Commission, and not less than five thousand dollars additional for the inspection service provided in Section 14 of this Article.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Schedule.

This amendment shall take effect upon its ratification by the Legislature; *provided*, that the provisions of Section 1 with respect to the appointment of Civil Service Commissioners shall take effect on the dates specified as follows: The term of the successor to the Commissioner whose term expires January 8, 1913, shall expire July 1, 1915; the successor to the Commissioner whose term expires January 8, 1914, shall be appointed for the term ending July 1, 1917, and the successor to the Commissioner whose term expires January 8, 1915, shall be appointed for the term ending July 1, 1919.—*Adopted December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Classified Service.

Sec. 2. The Commissioners shall classify, in accordance with duties attached thereto, all places of employment in or under the offices and departments of the City and County, not exempted under Section 11 of this Article, or which may be created hereafter and not specifically exempted by this Charter. The Commissioners may grade, and from time to time regrade, the positions covered by any class, in accordance with salaries and duties, to the end that like salaries shall be paid for like duties. The Commissioners may from time to time provide by rule for the manner in which

such positions shall be filled. New positions when created shall be classified, graded and filled in accordance with these provisions. Before any new position is created, the authority creating such position shall secure from the Civil Service Commission the proper designation of such position, and the title of such position shall correspond with the classifications adopted in accordance with the provisions of this Section. In other than the Bureaus of Engineering and Architecture no appointee shall hold a position carrying a salary above the maximum established for the grade for which he has qualified except by securing such promotional rating as the Commission shall direct. Any classification or grading may be amended or abolished by the Commission, and classes calling for similar qualifications may be consolidated, but persons who have been appointed from any such class shall retain any position lawfully held thereunder so long as such position is maintained unless removed in accordance with the provisions of Section 12. The places of employment not exempted shall constitute the classified civil service of the City and County, and no appointment to any such place shall be made except in accordance with the provisions of this Article and the rules adopted thereunder by the Civil Service Commission.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Rules of Commissioners.

Sec. 3. The Commissioners shall make rules to carry out the purposes of this Article, and for examinations, appointments, promotions and removals, and in accordance with its provisions may from time to time make changes in the existing rules. All rules and all changes therein shall be forthwith printed for distribution by the Commissioners.

Examination of Applicants.

Sec. 4. All applicants for places in the classified civil service shall be subjected to examination, which shall be public, competitive and free. Such examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of physical qualifications, health, and of manual or professional skill.

Examinations.

Sec. 5. The Commissioners shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the City and County to be examiners; and if in the official service it shall be a part of their official duty, without extra compensation, to conduct such examinations as the Commissioners may direct, and to make return and report thereof to the Commissioners. The Commissioners may substitute any other person, whether in or not in such service, in the place of any one so selected, or may

themselves act as such examiners. Applicants for positions in the mechanical trades and occupations may, in the discretion of the Commission, be rated solely on experience and physical qualifications, which may be demonstrated by such evidence and in such manner as the Commission may direct; and the applicants may be submitted to such further tests as the Commission may require. Examination of laborers shall relate only to physical qualifications and experience, and laborers establishing their fitness shall rank upon the register in order of priority of application. No question in any examination shall relate to political or religious opinions or affiliations.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Notice of Examinations.

Sec. 6. Notice of the time, place and general scope of every examination shall be given by the Commissioners by publication for two weeks preceding such examination in the official newspaper, and such notice shall also be posted by the Commissioners in a conspicuous place in their office for two weeks before such examination. Such further notice of examination shall be given as they may prescribe.

Registers of Each Class of Positions.

Sec. 7. From the returns of the examiners, or from the examinations made by the Commissioners, the Commissioners shall prepare a register for each grade or class of positions in the classified service of the City and County of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Commissioners, and who are otherwise eligible. Such persons shall take rank upon the register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination.

Provision for the Disabled.

Section 7½. When a civil service employee other than members of the Police and Fire Departments who has served three years in his position has become incapable through age, accident or other disability of satisfactorily performing the duties of the positions covered by the class in which he has qualified, the Civil Service Commission may, in its discretion, at the request of the appointing power, authorize his transfer to another class whose duties are within his capacity, and may, by a unanimous vote order that he be preferred for appointment to a designated position; but such position shall be one having a smaller compensation than the position from which he may be transferred, and the compensation shall not be increased subsequent to his appointment thereto.—*New Section added by amendment December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Promotions, Basis of.

Sec. 8. The Commissioners shall provide for promotion in the classified service on the basis of ascertained merit and standing upon examination; and shall provide, wherever practicable, that vacancies shall be filled by promotion. All examinations for promotions shall be competitive among such members of the next lower rank, as established by the Commissioners, as desire to submit themselves to such examinations. The Commissioners shall submit to the appointing power the names of not exceeding three applicants having the highest rating for each promotion.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Duty of Heads of Departments—Candidates Highest on Register.

Sec. 9. Whenever a position classified under this Article is to be filled, the head of the department or office controlling such position shall notify the Commission of that fact, and the Commission shall then certify to the appointing officer the name and address of one or more candidates in the discretion of the Commission, but not exceeding three, standing highest upon the register for the class or grade to which the position belongs. In making certification for employment sex shall be disregarded, except when some statute, the rules of the Commission, or the appointing power specifies sex. The Commission shall not certify the name of any person who in the judgment of the Commission is not of good moral character, or who has secured a place upon the eligible lists by fraud, concealment of fact, or by violation of the rules of the Commission; and having certified such person shall cancel such certification; and the Commission shall remove the name of any such person from all civil service registers.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Appointments on Probation. Conditions of Discharge. Temporary Appointments.

Sec. 10. The appointing officer shall notify the Commissioners of each position to be filled separately, and shall fill such place by the appointment of one of the persons certified to him by the Commissioners therefor. Such appointment shall be on probation for a period to be fixed by the rules of the Commissioners; but such rules shall not fix such period at exceeding six months. The Commissioners may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which a candidate is employed may, by and with the consent of the Commissioners, discharge him upon assigning in writing his reason therefor to the Commissioners. If he is not then discharged his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may, with

the approval of the Commissioners, make temporary appointments, to remain in force not exceeding sixty days, and only until regular appointments, under the provisions of this Article, can be made.

Departments Governed by This Article.

Sec. 11, Subdivision A. The provisions of this Article shall apply to the following offices and departments of the City and County. The County Clerk, the Assessor, the Tax Collector, the Sheriff, the Auditor, the Recorder, the Treasurer, the Coroner, the Clerks and Stenographers of the Justices' and Police Courts, the Board of Public Works, the Police Department, the Fire Department, the Board of Election Commissioners, the Board of Health, the Department of Electricity, the Board of Supervisors, the Civil Service Commission, and all boards and departments controlling public utilities, but the following deputies, clerks and employees in said offices and departments shall be exempted therefrom: the Chief Deputy of the County Clerk; the Chief Deputy and the Deputy designated as the Cashier of the Assessor; the Chief Deputy and the Cashier of the Tax Collector; four Deputies of the Sheriff designated as the Under-Sheriff, the Chief Bookkeeper, the Attorney, and the Cashier; the Deputy Auditor; the Chief Deputy of the Recorder; four employees of the Treasurer designated as the Cashier, the Chief Deputy, one Assistant Deputy designated as a Bond Deputy, and one Clerk; the Chief Deputy and the Autopsy Physician of the Coroner; the City Engineer; the Secretary of the Board of Public Works; the City Architect; the Registrar of the Board of Election Commissioners; the Justices' Clerk; the Chief of Police; the Chief Engineer and Secretary of the Fire Department; the Chief of the Department of Electricity; the Clerk of the Board of Supervisors; all physicians appointed by the Board of Health; persons appointed by the Mayor under the authority of this Charter; the Chief Deputy and the head of any Bureau or Department created by this Charter or by ordinance; the Chief Examiner and special examiners appointed by the Civil Service Commission, and persons employed by the Commission to exercise the authority conferred by Section 14 of this Article; the Manager or Superintending head of each public utility; attorneys and physicians employed to perform duties included in their profession; persons employed by the Board of Supervisors for temporary service in positions requiring high technical skill; persons employed in positions having a confidential relation to the head of the Department in which the employment is held, but not more than one such position shall be established in any Department; persons employed on public works outside the City and County. Any person who has served in any position in the office of the Assessor, the Coroner, the Recorder, the County Clerk, the Sheriff, the office of the Justices' Clerk, the Board of Supervisors or the Treasurer for a period of one year continuously prior to the approval of this amendment and who shall be actually employed in any of said

offices at such time is hereby declared to be appointed within the provisions of Article XIII of this Charter to the position to which he may be assigned and shall be entitled to all the benefits of said Article thereafter.

Preference for Qualified Employees.

Subdivision B. The following persons securing standing on the eligible lists in examinations shall be preferred for appointment:

1. Persons employed in the operating service of the Geary Street, Park and Ocean Railroad Company on May 5, 1912, such preference to be solely for employment in the Municipal Railroad service;

2. Persons employed in the operating service of any public utility acquired by the city who have been so employed for not less than one year; and such persons so employed at the time a public utility is acquired by the city shall continue in their positions.

Appointments Under This Article.

All officers, courts, boards or heads of departments vested in this Charter with the power to appoint deputies, clerks, stenographers or other employees of any designation whatsoever shall make appointments only in accordance with the provisions of this Article and the rules adopted thereunder and any appointment not so made shall be void. — *As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Dismissals for Cause Only—Trials and Suspensions.

Sec. 12. No person employed in the classified civil service shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. Pending the hearing of such charges, the appointing officer or department may suspend the person so accused, but such suspension shall not be valid for more than thirty days upon any charge unless the hearing thereon shall be delayed beyond such time by the act of the person so accused. When such charges are filed with the appointing officer or officers of the department in which the employee serves, such officers shall publicly hear and determine such charges. The finding of such officers shall be final unless, within a period of thirty days therefrom, the employee so tried appeals to the Civil Service Commission against such finding. The appeal must be in writing, and must briefly state the reasons upon which it is based. The Commission may confirm the finding, or may require the officers to present in writing the grounds for discharge or dismissal, and may require the submission of additional evidence; and may thereupon make such order as it deems just. The order or decision of the Civil Service Commission upon such appeal shall be final, and shall forthwith be enforced by the appointing officers. If the Civil Service Com-

mission shall reverse or alter the finding of the appointing officer, it may, in its discretion, order that the employee affected shall be paid his salary from the time of his discharge or suspension. The Civil Service Commission may hear and determine charges filed by any citizen, or by the authorized agents of the Commission acting under the power conferred by Section 14 of this article, when the appointing power neglects or refuses to act. The appointing officer or officers of a department may, for disciplinary or penal purposes, suspend a subordinate for a period not exceeding thirty days, and such suspension shall carry with it the loss of salary for the period of suspension. Removal or discharge for cause may be upon any of the following grounds: Incompetence; habitual intemperance; immoral conduct; insubordination; discourteous treatment of the public; inattention to duties. The provisions of this Section shall not apply to persons employed in the operating department of any public utility.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Notice of Appointments, Promotions or Changes.

Sec. 13. Immediate notice in writing shall be given by the appointing power to the Commissioners of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, suspensions or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by the Commissioners. When any place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to the Commissioners.

Duties of Commissioners.

Sec. 14. The Commissioners shall investigate the enforcement of the provisions of this Article, and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in the City and County and may inquire as to the nature, tenure and compensation of all places in the public service thereof.

Annual Report of Commissioners.

Sec. 15. The Commissioners shall, on or before the fifteenth day of January in each year, make to the Supervisors a report showing their acts, the rules in force, the practical effects thereof, and suggestions for the more effectual accomplishment of the purposes of this Article. The Mayor may require a report from the Commissioners at any time.

Chief Examiner. Secretary. Duties. Salary.

Sec. 16. The Commissioners shall employ a Chief Examiner who shall, under their direction, superintend any examination held in the City and County under this article, and who shall perform such other duties as the Commissioners may prescribe. The Chief Examiner shall be Secretary of the Commission by virtue

of his office. He shall keep minutes of its proceedings, preserve all reports made to it, and keep a record of all examinations held under its direction. He shall receive an annual salary of twenty-four hundred dollars.

Supplies and Employees.

Sec. 17. The Supervisors shall furnish the Commission with suitable offices, office furniture, books, stationery, blanks, heat and light, and shall provide for the payment of such other expenses as may be necessarily incurred in carrying out the provisions of this Article. The compensation of special examiners employed under Section 5 and of the investigators employed to perform the duties set forth in Section 14 shall be fixed by the Commission. The Commission may employ such permanent assistants as may be necessary, at such salaries as the Supervisors may fix upon the recommendation of the Commission. The compensation and salaries herein provided for shall be paid out of the appropriations specified in Section 1.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

No Aid, Hindrance, Fraud or Collusion Permitted.

Sec. 18. No person or officer shall by himself, or in co-operation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Verification of Pay Rolls.

Sec. 19. The pay rolls or demands for salaries, wages or compensation of all deputies, assistants, clerks and employees of every class or description, without regard to the name or title by which they are known, for each department, board, office or bureau subject to the provisions of this Article, shall be transmitted to the Civil Service Commission before presentation to the Auditor. The Commission shall examine said pay rolls or demands and shall approve the demands of all persons appointed or employed in accordance with the provisions of this Article. The pay rolls or demands thus approved, with notation of any item thereof disapproved, shall be then certified by the Commission and transmitted by it to the Auditor. The Auditor shall not approve and the Treasurer shall not pay any demand or warrant for salary, wages or compensation unless said demand shall have been approved by the Civil Service Commission.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Penalty for Violation.

Sec. 20. The Commissioners shall have power to institute and prosecute legal proceedings for violations of any of the provisions of this Article.

Standing of Eligibles Mustered Into Army or Navy.

Sec. 21. Persons who have been mustered into the Army or Navy of the United States since April 6, 1917, after having acquired standing on a register of candidates in accordance with the provisions of this article shall be granted a leave of absence in accordance with the following provisions:

1. If such person has been appointed to a permanent position he shall be entitled to resume such position upon the expiration of his leave. This provision includes appointments on probation. If any rights accrue to an appointee by reason of seniority, the term of service in the Army and Navy shall be reckoned a part of his service under the City and County.

2. Candidates not under appointment shall retain their places upon the register of eligibles and upon presenting an honorable discharge from the Army or Navy shall be preferred for appointment, in the order of standing upon such register at the time of enlistment, before candidates securing standing through examination held subsequent to the enlistment of such candidate.

Leave of absence granted hereunder shall be for the terms of service in the Army or Navy, and for such time thereafter as may be provided by the rules of the Civil Service Commission; but all such leave of absence shall expire two years after the proclamation of the President of peace between the United States and the German Empire. Leave of absence granted under this section may be cancelled by the Civil Service Commission on filing of certificate of honorable discharge from the Army or Navy of the United States.—*New section added by amendment November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

ARTICLE XIV.

PARK COMMISSIONERS.

Jurisdiction of

Section 1. The lands designated upon the map of the outside lands of the City and County, made pursuant to order No. 800, by the word "park," extending from Stanyan Street to the Pacific Ocean, and known as Golden Gate Park; also the land fronting on Haight Street, designated on said map by the word "park," and known as Buena Vista Park; also the lands designated on said map by the word "avenue," extending from Baker Street westward until it crosses Stanyan Street; also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map as "great highway;" also Mountain Lake Park; also Seal Rocks, as ceded to the City and County of San Francisco by Act of Congress; and all the other parks and squares in the City and County, and all the grounds surrounding public buildings in the City and County, and all parks and squares and public pleasure grounds hereafter acquired by the City and County, shall be under the exclusive management of a Board of Commissioners who shall be known and designated as Park Commissioners, except that children's playgrounds and recreation centers outside of Golden Gate Park, shall, to the extent of their use as such playgrounds and recreation centers, be under the exclusive management and control of the Playground Commissioners; *provided,* that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22nd, 1910) is authorized to assume and take over the management and control, and to have the exclusive possession and use, of that portion of Golden Gate Park westerly from Twentieth Avenue, as extended, for the purposes of an exposition to celebrate the completion of the Panama Canal, such management and control, and possession and use, to terminate not later than one year after the closing of such exposition.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Successors in Office.

Sec. 2. The Commissioners shall be successors in office of the Park Commissioners holding office in the City and County at the time this Charter shall go into effect by virtue of appointment under any statute of this State.

Five Commissioners. Appointed by Mayor. Term.

Sec. 3. The Commissioners shall be five in number, one of whom must be an artist. They shall be appointed by the Mayor for a term of four years, and shall receive no compensation for their services. They shall so classify themselves by lot that one of them shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

Commissioners. Organization. President. Secretary. Duties. Contracts.

Sec. 4. The Commissioners shall organize by electing one of their number President, and they may elect a Secretary who is not a member of the Board. The Board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employees, and shall require adequate bonds from all of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the Mayor and filed in the office of the Auditor. The person elected President shall hold his office for one year, or until his successor is elected. The Board must hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper.

Three of the Commissioners shall constitute a quorum for the transaction of business. No contract shall be entered into authorizing the expenditure of money without the approval of four of the Commissioners. Every contract exceeding five hundred dollars in amount shall be open to public competition, unless the Board shall determine in any given case to have the work done by day's labor. All the provisions of the Article in this Charter on the Department of Public Works relating to contracts shall be applicable to all contract work ordered by the Commissioners.

Park Ordinances.

Sec. 5. The Commissioners may adopt ordinances for the regulation, use and government of the aforesaid parks, squares, avenues and grounds not inconsistent with the laws of the State of California or with this Charter. Such ordinances shall, within five days after their passage, be published for ten days, Sundays excepted, in the official newspaper. Any person violating any of such ordinances shall be deemed guilty of a misdemeanor, and shall be punished therefor, on conviction, in any court of competent jurisdiction. None of such ordinances shall be valid unless it receives the vote of four members of the Board. No ordinance shall be passed at the same meeting at which it is introduced, or at any other than a regular meeting. Such ordinances shall take effect in not less than ten days after their adoption.

Commissioners to Have Full Control of Parks and Squares.

Sec. 6. The Commissioners shall have the complete and exclusive control, management and direction of the aforesaid parks, squares, avenues, and grounds, and the exclusive right to erect, and to superintend the erection of buildings and structures thereon; and to that end may employ and appoint superintendents, laborers, surveyors, engineers, and other officers and assistants, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support of said parks, squares, avenues and grounds.

The Board may accept from donors suitable articles for the Museum and Art Gallery situate in the aforesaid Golden Gate Park, and shall manage and control said Museum and Art Gallery.

Except as provided in Section 9 of this Article, nothing in this Section shall be so construed as to authorize the Commissioners to lease any part of any of said parks, squares, avenues and grounds to any person, company or corporation for any purpose; or to permit any person, company or corporation to build or maintain any structure on any part of said parks, squares, avenues or grounds; but this shall not inhibit the Board from leasing, for a period not greater than one year, such buildings as may be constructed by itself for the use of the public to such person, company or corporation who shall undertake to serve such use; and in every such lease the Board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the buildings so leased shall be used for park pleasure purposes only. No such building shall be constructed by the Board except it be within the objects and purposes for which said parks, squares, avenues and grounds were dedicated to the public.

Nothing, however, in this Section contained shall inhibit the Board from permitting the use of a limited portion of any one of the aforesaid parks or squares for the purpose of conducting thereon a Fair or Exposition, under such conditions and restrictions as may be necessary to conserve the integrity of said parks and squares, and for a period not greater than six months, and so as not to interfere with the use of any of the same by the public for park-pleasure purposes; but no such permission shall ever be granted except such Fair or Exposition be of National, State or Municipal importance. None of the moneys in, or appropriated to, the Park Fund shall be used for the purposes of any such Fair or Exposition.

Fire Alarm Station in Jefferson Square.

Section 6*a*. The Board of Supervisors shall have power and authority to select and set aside by ordinance, in that certain square or park known as Jefferson Square, bounded on the north by Eddy Street, on the south by Golden Gate Avenue, on the east by Gough Street, and on the west by Laguna Street, a suitable and convenient site upon which may be erected by competent authority a central station for the fire alarm and police telegraph and telephone systems, said station when erected to be under the control and management of the joint commission of the Department of Electricity, and said joint commission shall have power and authority, when said station is erected, to maintain across said square or park the necessary conduits, wires and lines leading to said station.—*New Section added by amendment December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Park Police.

Sec. 7. The Chief of Police shall, on the request of the Commissioners, detail such members of the Police Force of the City and

County for service in said parks, squares, avenues and grounds as may be necessary for the enforcement of the law and for the proper observance of the ordinances of the Commissioners; and the Commissioners may provide a place of detention within either of said public places, in which the persons arrested for violating any of the ordinances of the Board may be detained temporarily.

Donations, Legacies and Bequests.

Sec. 8. The Board may receive donations from persons and corporations and legacies and bequests for the improvement of said parks, squares, avenues, and grounds. All moneys that may be derived from such donations, legacies and bequests shall, unless otherwise provided by the terms of such gift, legacy or bequest, be deposited in the treasury of the City and County to the credit of the Park Fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares, avenues and grounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditures on said parks, squares, avenues and grounds, the Board shall invest all or a part of the same in interest-bearing bonds of the United States, or of the State of California, or of any municipality thereof.

State Exposition Building.

Sec. 9. The Board may lease to the State of California, on such terms as it may deem proper, a plot of ground in Golden Gate Park, not more than seven hundred feet square, on which said State may erect and maintain an exposition building, in which may be exhibited the products of the several counties of the State, and in which the collection made by the State Mining Bureau may be maintained and exhibited; but said lease shall be upon the express condition that no fee shall ever be charged for admission to said building.

Works of Art Must Be Approved by Commissioners. Commissioners to Pass Upon Public Structures. Monuments.

Sec. 10. Hereafter no work of art shall become the property of the City and County by purchase, gift or otherwise, unless such work of art or design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the Commissioners; nor shall such work of art, until so approved, be erected or placed in or upon or allowed to extend over or upon, any street, avenue, square, park, municipal building or other public place belonging to the City and County. The Board may require a complete model of the proposed work of art to be submitted. The term "work of art" as used in this Section shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character, intended for ornament or commemoration. No existing work of art

in the possession of the City and County shall be removed, relocated or altered in any way without the similar approval of the Board. When so requested by the Mayor, or the Supervisors, or the Board of Public Works, or the Board of Education, the Board of Park Commissioners shall act in a similar capacity, with similar powers, in respect of the designs of municipal buildings, bridges, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the City and County, and in respect of the lines, grades and plotting of public ways and grounds, and in respect of arches, bridges, structures and approaches which are the property of any corporation or private individual, and which shall extend over or upon any street, avenue, highway, park or public place belonging to the City and County. This Section shall not be so construed as to impair the powers of the Park Commissioners to refuse their consent to the erection or acceptance of public monuments or memorials or other works of art of any sort within any park, square or public place in the City and County.

Tax for Park Purposes. Limits.

Sec 11. The Supervisors shall provide all necessary money for the maintenance, preservation and improvement of said parks, squares, avenues and grounds, and to that end shall annually levy a tax on all property in the City and County not exempt from taxation, which shall not be less than five cents nor more than seven cents upon each one hundred dollars assessed valuation of said property.

Museum Building in Golden Gate Park.

Sec. 12. The California Academy of Sciences, an institution for the advancement of science and maintenance of a free museum, duly incorporated under the laws of the State of California, is hereby granted permission to erect and maintain in Golden Gate Park a museum building, consisting of one or more structures, as it may find necessary for the purposes contemplated, which said building is to become the property of the City and County of San Francisco, but to be used exclusively thereafter by the said California Academy of Sciences, under such proper rules and regulations as it may prescribe, as a free museum, open to the public, and for admission to which no admission fee shall ever be charged. The plans for the proposed museum building and any addition thereto must be approved by the Board of Park Commissioners, and said Board of Park Commissioners is hereby authorized and directed to set apart such portion of Golden Gate Park, convenient to public access and satisfactory to said California Academy of Sciences, as may be necessary for said building, sufficient grounds being allotted to secure the safety of the same from fire.—*New Section added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Temporary Use of Lobos Square for Exposition.

Sec. 13. Notwithstanding anything in this Article contained, the Board of Park Commissioners are hereby authorized and directed to transfer to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910), the exclusive possession, use, management and control of Lobos Square, such management, control, possession and use to be for the purposes of the Panama-Pacific International Exposition and to terminate not later than one year after the closing of such exposition.—*New section added by amendment December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

ARTICLE XIV-A.

PLAYGROUND COMMISSIONERS.

Children's Playgrounds, Management of.

Section 1. All children's playgrounds now owned by the City and County, and all children's playgrounds that shall hereafter be acquired by the City and County, and all public recreation centers, other than those located in Golden Gate Park shall be under the management and control of a Board of Commissioners, which shall consist of men and women, and shall be known and designated as the Playground Commissioners. No person shall be appointed such Commissioner who shall not be at the time of his or her appointment a resident of the City and County, and who shall not have been such at least five years prior thereto.

Commissioners.

Sec. 2. The Commissioners shall be seven in number, five of whom shall be appointed by the Mayor for the term of four years. Three of the members appointed by the Mayor shall be men and two of them shall be women. The President of the Board of Education shall be ex-officio the sixth member of the Commission, and either the President of the Park Commissioners or the Superintendent of Golden Gate Park, as the Park Commissioners in writing may appoint, shall be ex-officio the seventh member. The Park Commissioners may at any time, by resolution served upon the Playground Commissioners, change their ex-officio member of said Commission, *provided* that such ex-officio member be always either their President or said Superintendent. None of said Commissioners shall receive any compensation for his or her services.

Organization. Rules.

Sec. 3. The Commissioners shall organize by electing one of their number President, who shall hold office for one year or until his or her successor is elected, and they may elect a Secretary who is not a member of the Board.

A majority of the members shall constitute a quorum for the transaction of business. The Board shall hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper.

The Board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employees, and shall require adequate bonds from all its officers and employees, except laborers, for the faithful performance of their duties, and in such sums as may be fixed by it, such bonds shall be approved by the Mayor and filed in the office of the Auditor.

Rules and Regulations.

Sec. 4. The Commissioners shall adopt rules and regulations for the government of the aforesaid playgrounds not inconsistent with the ordinances of the City and County of San Francisco, the laws of the State of California or with this Charter.

Powers of Commissioners.

Sec. 5. The Commissioners shall have complete and exclusive control, management and direction of the aforesaid playgrounds and recreation centers, and the exclusive right to erect and to superintend the erection of buildings and structures thereon, and to that end they may employ superintendents, surveyors, engineers, laborers and other employees and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support and equipment of the aforesaid playgrounds and recreation centers, *provided,* that such management of any real or personal property or moneys acquired by loan, gift, devise or bequest, is not inconsistent with the terms and conditions of the loan, gift, devise, or bequest. The Commissioners may purchase in the name of the City and County of San Francisco lands to be used as children's playgrounds and recreation centers, with any moneys legally appropriated for such purpose or acquired by gift, legacy or bequest for such purpose.

May Receive Donations.

Sec. 6. The Board may receive donations from persons and corporations, and legacies and bequests for the purchase, improvement and equipment of playgrounds and recreation centers. All moneys that may be derived from such donations, legacies and bequests shall, unless otherwise provided by the terms of such gift, donation, legacy or bequest, be deposited in the treasury of the City and County to the account of the Playground Fund of the General Fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds and recreation centers. If such moneys shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds or recreation centers the Board may invest all or part of the same in interest-bearing bonds of the United States, of the State of California or of any municipality therein.

Police Detail.

Sec. 7. The Chief of Police shall on request of the Commissioners detail such members of the Police Force of the City and County for service in said playgrounds and recreation centers as may be necessary for the enforcement of the law and the city ordinances and the proper observance of the rules and regulations of the Commissioners.

Supervisors May Set Aside Other Lands.

Sec. 8. The Supervisors shall have the power to set apart either absolutely or for a definite period of time, any land not improved with any public buildings belonging to the City and County other than land under the exclusive control and management of the Park Commissioners, and land acquired by the issue of bonds for other

specific purpose, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be under the exclusive control and management of the Playground Commissioners.

Park Commissioners May Set Apart Other Parks.

Sec. 9. The Park Commissioners shall have power to set apart either absolutely or for a definite period of time such parks and squares or portions thereof as they may see proper, other than Golden Gate Park and the Mission Park, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be, to the extent of that use, under the exclusive control and management of the Playground Commissioners.

Appropriation for Support.

Sec. 10. The Supervisors shall, for the purchase, development, equipment and maintenance of the aforesaid playgrounds and recreation centers, annually appropriate to the Playground Commissioners at the time of making the Budget such amount as may in their judgment be necessary or proper, and the funds so appropriated shall be credited to the Playground Fund of the General Fund, and the Playground Commissioners shall have the exclusive management and disbursement of the same.

The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the Commissioners. The votes of all its members shall be recorded in the minutes with the ayes and noes.

Article XIV-A added as an amendment November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 56).

ARTICLE XV.

BONDS OF OFFICIALS.

Officers to Give Bonds. Approval by Mayor and Auditor.

Section 1. Officers of the City and County, before entering upon the discharge of their official duties, shall respectively give and execute to the City and County such official bonds as may be required by law, ordinance, or this Charter. When the amount of any bond is not fixed by law or by this Charter, it shall be fixed by an ordinance of the Supervisors. All bonds, excepting those of the Mayor and Auditor, must be approved by the Mayor and Auditor; the bond of the Mayor must be approved by the Auditor, and the bond of the Auditor must be approved by the Mayor. The approval of every official bond must be indorsed thereon, and signed by the officers approving the same, after examination of the sureties, as hereinafter provided. Upon the approval of a bond it must be recorded, at the expense of the party giving the bond, in the office of the Recorder, in a book kept for that purpose, entitled Record of Official Bonds. The bond of the Auditor shall be filed and kept in the office of the County Clerk. The bonds of all other officers shall be filed and kept in the office of the Auditor.

Bonds of City and County Officers. Premium for Bonds.

Sec. 2. The following officers shall respectively execute official bonds to the City and County, with sureties, in the following sums:

Mayor, twenty-five thousand dollars; Auditor, fifty thousand dollars; Treasurer, two hundred thousand dollars; Tax Collector, one hundred thousand dollars; Assessor, fifty thousand dollars; County Clerk, fifty thousand dollars; Recorder, ten thousand dollars; Sheriff, fifty thousand dollars; Coroner, ten thousand dollars; City Attorney, ten thousand dollars; District Attorney, ten thousand dollars; Public Administrator, fifty thousand dollars; Superintendent of Public Schools, five thousand dollars; each Commissioner of Public Works, twenty-five thousand dollars; Clerk of the Supervisors, ten thousand dollars; each Supervisor, five thousand dollars; each School Director, five thousand dollars; each Fire Commissioner, ten thousand dollars; each Police Commissioner, five thousand dollars; each Election Commissioner, ten thousand dollars; the Property Clerk of the Police Department, ten thousand dollars; the Warrant and Bond Clerk, ten thousand dollars.

In all cases of elective officers, officers appointed by the Mayor, and officers whose bonds are fixed by the Charter, the premium or charge for such bond shall be paid by the City and County; *provided, however,* that no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond.—*As amended November 5, 1907; approved by the Legislature November 23, 1907 (Statutes Special Session, 1907, page 37).*

Bonds Must Contain Certain Conditions. Sureties.

Sec. 3. City and County officers shall not be accepted as surety for each other on official bonds. Every bond shall contain a condition that the principal will faithfully perform all official duties then, or that may thereafter be, imposed upon or required of him by law, ordinance, or this Charter, and that at the expiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Such bond must also be executed by two or more sureties who shall each justify in the amount required for said bond; but when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for portions of not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond.

Qualifications of Sureties.

Sec. 4. Every surety upon an official bond, other than lawfully authorized surety companies, must make an affidavit, which shall be endorsed upon such bond, that he is a resident and freeholder in the City and County, and worth in property situated in the City and County, exclusive of incumbrances thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officers whose duty it is to approve the bond.

Additional Bond.

Sec. 5. When under any of the provisions of this Charter, or of any ordinance, an official bond shall be required from an officer, the Supervisors may, by resolution, require an additional bond, whenever, in the opinion of such board, such bond or any surety thereto becomes insufficient; and such additional bond shall also be required when a surety to a bond shall die or cease to be a resident of the City and County.

Liability.

Sec. 6. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks, and employees, appointed by him, and of any and each of them, and every official bond shall contain such a condition.

Bonds of Deputies and Employees.

Sec. 7. Every board, department or officer may require of their deputies, clerks or employees bonds of indemnity with sufficient sureties for the faithful performance of their duties.

ARTICLE XVI.

MISCELLANEOUS.

"City and County" Defined.

Section 1. The words "City and County" whenever they occur in this Charter mean the City and County of San Francisco; and every department, board and officer, wherever either one of them is mentioned in this Charter, means a department, board or officer, as the case may be, of the City and County of San Francisco.

Qualification to Hold Office.

Sec. 1½. No political, religious or partisan qualification shall hereafter be required for election or appointment to any office under the City and County. The right to hold any office or position shall not be limited by sex. Any provision of this Charter in conflict with this section is hereby repealed.—*New section added by amendment, December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Employees to Be Residents, Except Experts.

Sec. 2. All persons appointed to office, position or employment under the City and County must be citizens of the United States, and must, during their respective terms of office or employment actually reside in the City and County, and must have so resided for the period of one year next preceding their appointment; *provided*, that positions requiring expert or technical training may, by resolution of the Board of Supervisors approved by the Mayor, be exempted from this condition, and there shall be imposed in lieu thereof a certification of training and experience. Appointees whose duties are performed outside the City and County shall not be subject to the requirements of this section. All provisions of the Charter in conflict with this section are hereby repealed.—*As amended December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

No Absence From the State.

Sec. 3. No officer of the City and County, except members of the Police Department acting under orders of the Chief thereof, shall absent himself from the State, except by permission of the Mayor and the Board of Supervisors. Violation of this section shall be sufficient cause for the removal of any officer violating the same.—*As amended November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

No One Shall Hold Two Salaried Offices.

Sec. 4. Any person holding a salaried office under the City and County, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office under the government of the United States, or of this State, or who shall

hold any other salaried office connected with the government of the City and County, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the City and County.

Limit of Subordinates and Supplies.

Sec. 5. No department, board or officer shall, under any circumstances, employ more subordinates than are specifically provided for in this Charter or buy supplies beyond the sum furnished therefor by the Supervisors.

Shall Not Be Interested in Contracts or Supplies or Property of the City.

Sec. 6. No Supervisor and no officer or employee of the City and County, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the City and County, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the City and County. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the City and County, or any department or officer thereof, or in any franchise, right or privilege granted by the City and County, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred, and disqualified from being elected, appointed or employed in the service of the City and County; and all such contracts shall be void, and shall not be enforceable against the City and County.

Promises or Valuable Consideration Prohibited.

Sec. 7. No officer or employee of the City and County shall give or promise to give to any other person, any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being, nominated, appointed, voted for, or elected to, any office or employment; and if any such promise or gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of the City and County.

Bribing Prohibited.

Sec. 8. Any officer of the City and County who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office, and be forever debarred and disqualified from holding any position in the service of the City and County.

Annual Reports.

Sec. 9. Every department, board and commission provided for in this Charter, except the Supervisors, shall render to the Mayor within one month after the end of each fiscal year a full report of all the operations of such department or board or commission for such year.

Vacancies Defined.

Sec. 10. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of the City and County, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days.

Liability for Illegal Payments.

Sec. 11. Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this Charter, shall be liable to the City and County individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Custody of Records.

Sec. 12. The departments, boards, commissioners and officers provided for in this Charter shall be entitled to the possession of all papers, books, documents, maps, plats, records and archives in the possession or under the control of those respectively who are superseded in office under this Charter by such department, boards, commissioners and officers.

Books and Records Open to Inspection.

Sec. 13. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the Police Department shall not be subject to such inspection except permission be given by the Police Commissioners or by the Chief of Police.

Office Hours.

Sec. 14. The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law, or by this Charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon; and, in addition thereto, from the first day of November until the last Monday of December in each year the office of

the Tax Collector shall be kept open until nine o'clock in the evening.

Disqualifications.

Sec. 15. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been found guilty of malfeasance in office, bribery or other infamous crime, or who in any capacity has embezzled public funds.

Fiscal Year.

Sec. 16. The fiscal year mentioned in this Charter shall commence on the first day of July and end on the thirtieth day of June following.

All Moneys to Be Paid to Treasurer.

Sec. 17. All moneys, assessments and taxes belonging to or collected for the use of the City and County, coming into the hands of any officer of the City and County, shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer for twenty-four hours after receiving the same shall delay or neglect to make such deposit, he shall be deemed guilty of misconduct in office and may be removed.

Suspensions and Removals.

Sec. 18. Any elected officer, except Supervisor, may be suspended by the Mayor and removed by the Supervisors for cause; and any appointed officer may be removed by the Mayor for cause. The Mayor shall appoint some person to discharge the duties of the office during the period of such suspension.

Procedure After Suspension of Elected Officer.

Sec. 19. When the Mayor shall suspend any elected officer he shall immediately notify the Supervisors of such suspension and the cause therefor. If the Board is not in session, he shall immediately call a session of the same in such manner as shall be provided by ordinance. The Mayor shall present written charges against such suspended officer to the Board and furnish a copy of the same to said officer, who shall have the right to appear with counsel before the Board in his defense. If by an affirmative vote of not less than fourteen members of the Board of Supervisors, taken by ayes and noes and entered on its record, the action of the Mayor is approved, then the suspended officer shall thereby be removed from office; but if the action of the Mayor is not so approved such suspended officer shall be immediately reinstated.

Removal of Appointed Officer by the Mayor.

Sec. 20. When the Mayor shall remove an appointed officer from office, he shall immediately notify the Board of Supervisors of such removal, and furnish it a statement of the cause therefor, which statement shall be entered in the record of its proceedings.

Removal of Appointed Deputies or Employees.

Sec. 21. Unless otherwise provided by law or by this Charter, any officer, board or department authorized to appoint any dep-

uty, clerk, assistant or employee, shall have the right to remove any person so appointed.

Appointments to Be in Writing in Duplicate.

Sec. 22. All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of such duplicates must be filed with the Secretary of the Civil Service Commission and the other with the Auditor.

Classification by Lot to Be Recorded and Filed.

Sec. 23. Whenever it is provided in this Charter that the members of any board, department or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the Clerk of the Supervisors. In every case such classification must be made at the first meeting of the Board.

Powers of Officers and Boards to Administer Oaths, Issue Subpoenas and Hear Testimony.

Sec. 24. Every officer and every member of any board or committee provided for in this Charter shall have the power to administer oaths and affirmations, and every such board, officer or committee shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before any such board, officer or committee. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before any such board, officer or committee, or to answer any question which any officer or a majority of such board or committee shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board, officer or committee shall have power to take the proceedings in that behalf provided by the general laws of this State. The Chief of Police must, on request of such officer or of any member of any such board or committee, detail a police officer or officers to serve such subpoenas.

Official Newspaper.

Sec. 25. All publications provided for in this Charter must be made in the official newspaper only.

Franchises Not in Use Forfeited.

Sec. 26. All franchises and privileges heretofore granted by the City and County which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity, unless said grantees or their assigns shall, within six months after this

Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Ordinances Repealed.

Sec. 27. All ordinances or resolutions for the improvement of any street for which no contract shall have been entered into at the time this Charter takes effect are hereby repealed.

Ordinances Continued.

Sec. 28. All ordinances, orders and resolutions of the Supervisors of the City and County in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

Bonded Indebtedness, How Incurred. Disposition of Proceeds of Sale of Bonds.

Sec. 29. When the Supervisors shall determine that the public interest requires the acquisition of any land or lands or the construction or acquisition of any permanent building or buildings, improvement or improvements the cost of which, in addition to the other expenses of the City and County will exceed the income and revenue provided for the City and County for any one year, they must, by ordinance, submit a proposition or propositions to incur a bonded indebtedness for such purpose or purposes to the electors of the City and County at a special election to be held for that purpose only. All provisions of this Charter, as the same shall read at the time of submitting such propositions to the electors, providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition or propositions, to the issuance, character and registration of said bonds and to the time when, and the kind of money in which said bonded indebtedness shall be payable.

The proceeds of any sale of bonds shall be placed in the treasury to the credit of the proper fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issuance until such objects are fully accomplished, after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such fund exceeds the sum of two thousand dollars then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.—*As amended November 5, 1907; approved by the Legislature November 22, 1907 (Statutes Special Session, 1907, page 17).*

Bonds for Street and Other Public Work. Revolving Fund.

Sec. 29½. A municipal indebtedness may be incurred and bonds may be authorized to be issued therefor by the voters for the purpose of facilitating the performance of street or any other kind of public work, or opening of streets, or acquisition of prop-

erty for any of the aforesaid purposes, the cost of which is to be assessed upon private property benefited thereby; *provided*, that said cost shall in the aggregate exceed the sum of five hundred thousand dollars. To authorize such indebtedness the Supervisors shall adopt a resolution declaring the necessity therefor and at any time thereafter may call an election for the purpose of submitting to the electors the proposition of authorizing the issuance of bonds and the incurring of the indebtedness. Such election may be held at the same time as any other election, or otherwise, as the Supervisors may determine, but if held at the same time as is a general State or municipal election separate ballots may be used and the paper on which the ballots are printed shall be distinctively different from that used for the election of officers. The principal and interest on such bonds may be paid from the fund herein provided for or as other bonds of the City and County are redeemed and paid in the discretion of the Supervisors. The full faith and credit of the City and County shall be pledged for the punctual payment of the principal and interest. Such indebtedness shall be no part of the debt limited by Section 9 of Article XII of the Charter. The maximum rate of interest shall not exceed five per centum per annum and the principal shall be payable at any time after ten years and within twenty years from their date, as may be determined by the Board of Supervisors. If more than two-thirds of the voters voting at such election shall vote in favor of the incurring of the indebtedness, then such bonds may be issued as herein provided. The bonds so authorized shall be sold in such amounts and at such times as the Supervisors may direct and the proceeds arising from such sale shall be placed in a special fund known as the public work revolving fund. The moneys in such fund shall be used to pay the cost of any public improvement, the cost of which (or any portion thereof) has been or may be assessed against private property benefited thereby, or may be used to pay the principal or interest on the bonds issued as herein provided. All sums paid on account of such assessment shall be placed to the credit of such fund. Interest shall be charged on all such assessments at the rate of six per centum per annum, from the date of the acceptance of the work for the payment of which the assessments were imposed. Such assessments when exceeding $25 may be paid in not more than ten annual installments. The Supervisors shall, by proper legislation provide for carrying into effect the provisions of this section.—*New section added by amendment December 10, 1912; approved by the Legislature March 28, 1913 (Statutes, 1913, page 1602).*

Bonds May Be Issued for Exposition.

Sec. 29*a*. 1. The Supervisors are hereby empowered and directed, without further authority, to incur a bonded indebtedness, of the City and County, in an amount of five million dollars, and to issue municipal bonds therefor, the proceeds of said bonds to be granted and turned over to the Panama-Pacific International

Exposition Company (a corporation organized under the laws of the State of California March 22, 1910), to be used and disbursed by said exposition company for the purposes of an international exposition to be held in the City and County of San Francisco to celebrate the completion of the Panama Canal.

2. The bonds issued under the provisions of this section shall be in such form as the Supervisors in the ordinance providing for such bonded indebtedness shall determine; provided that such bonds shall be issued, sold, redeemed, registered and converted in accordance with the provisions of Sections 10, 11, 12 and 13, of Article XII of the Charter, as they now read, so far as said Sections are applicable.

3. The proceeds of any sale of such bonds shall be payable immediately by the Treasurer of the City and County to the Treasurer of said Panama-Pacific International Exposition Company, upon the demand of such Treasurer of said exposition company, without the necessity of the approval of such demand by the Auditor of the City and County, or other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of of such exposition.—*New section added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Duties of Subordinates.

Sec. 30. Every assistant deputy or other subordinate of any board, department or officer, shall discharge any of the duties pertaining to such department, board or office as his chief may assign him to.

Ineligibility to Office.

Sec. 31. No member of the Board of Police Commissioners and no member of the Board of Fire Commissioners shall be eligible to any elective office while he is a member of such Board, or for one year thereafter.

Members of the Police or Fire Departments Not to Participate in Politics or Conventions.

Sec. 32. No member of the Board of Police Commissioners and no member of the Board of Fire Commissioners, and no officer, subordinate or employee of the Police Department or of the Fire Department, shall be a member of any partisan convention the purpose of which is to nominate candidates for office; nor shall either of them directly or indirectly electioneer, by soliciting votes or otherwise, for or against any candidate for office at any election, or for or against any candidate for nomination before any political convention, or for or against any candidate or delegate to such convention at any primary election; nor shall either of them be a member of any committee, club, or organization, the purpose of which is to nominate or endorse candidates for office at any election; nor in

any way attempt to influence or control such committee, club or organization, while nominating or endorsing said candidates; nor take any part in the control, management or distribution of the political patronage of any public officer; nor shall any member of either of said Boards, or any officer, subordinate or employee of either of said departments directly or indirectly attempt to control or in any manner influence the action of any officer, subordinate or employee of either of said departments at any general, special or primary election. And no officer, subordinate or employee of either of said departments shall levy, collect or pay any amount of money as an assessment or contribution for political purposes. Any person violating any of the provisions of this section shall be removed forthwith from his office or employment. If the violation be by a member of either of said Boards the Mayor must remove such member; and if by an officer, employee or subordinate of either of said departments, then the Board whose officer, employee or subordinate has been guilty of such violation, must remove such officer, employee or subordinate; and if such Board fail or refuse to make such removal, then the Mayor must remove all members of the Board who have so failed or refused.

Pay for Actual Service.

Sec. 33. No deputy, clerk or other employee of the City and County shall be paid for a greater time than that covered by his actual service.

Salaries Full Compensation.

Sec. 34. The salaries provided in this Charter shall be in full compensation for all services rendered, and every officer shall pay all moneys coming into his hands as such officer, no matter from what source derived or received, into the treasury of the City and County within twenty-four hours after receipt of the same.

Additional Clerks or Employees.

Sec. 35. When any officer, board or department shall require additional deputies, clerks or employees, application shall be made to the Mayor therefor, and upon such application the Mayor shall make investigation as to the necessity for such additional assistance; and if he find the same necessary he may recommend to the Supervisors to authorize the appointment of such additional deputies, clerks or employees; and thereupon the Supervisors, by an affirmative vote of not less than fourteen members, may authorize such appointments and provide for the compensation of such appointees, subject to the limitations contained in this Charter, and subject to the provisions of Article XIII thereof.

First Appointments by Mayor. Beginning and Expiration of Terms of Office.

Sec. 36. At any time between the first day of December, in the year one thousand eight hundred and ninety-nine, and the first day of January, in the year nineteen hundred, the person, who, at the election held under this Charter in the month of November next preceding, has been elected the Mayor of the City and County,

shall make all the appointments provided by this Charter to be made by him, and all the persons so appointed shall thereupon qualify as in this Charter provided, and shall take office at the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and all boards, commissions and officers of the City and County holding by appointment under existing laws shall hold office no longer than said last aforesaid time.

Balances in the Several Funds to Be Transferred to Their Successive Funds Under the Charter.

Sec. 37. The balance remaining in the School Fund at the time this Charter takes effect shall forthwith be transferred to the Common School Fund created by this Charter. The balance remaining in the Library Fund at the time this Charter takes effect shall forthwith be transferred to the Library Fund created by this Charter. The balance remaining in the Park Improvement Fund at the time this Charter takes effect shall forthwith be transferred to the Park Fund created by this Charter. The balance remaining in the Unapportioned Fee Fund at the time this Charter takes effect shall forthwith be transferred to the Unapportioned Fee Fund created by this Charter. The balance remaining in the Police Relief and Pension Fund at the time this Charter takes effect shall forthwith be transferred to the Police Relief and Pension Fund created by this Charter. The balance remaining in the Surplus Fund at the time this Charter takes effect shall forthwith be transferred to the Surplus Fund created by this Charter. The balance remaining in the Special Deposit Fund at the time this Charter takes effect shall forthwith be transferred to the Special Deposit Fund created by this Charter. The balance remaining in the General Fund at the time this Charter takes effect, the balance remaining in the Street Light Fund at the time this Charter takes effect, the balance remaining in the Street Department Fund at the time this Charter takes effect, the balance remaining in the Police Contingent Fund at the time this Charter takes effect, the balance remaining in the Pound Fee Fund at the time this Charter takes effect, and the balance remaining in the Special Fee Fund at the time this Charter takes effect, shall each and every of them be forthwith transferred to the General Fund created by this Charter. Out of the said General Fund shall be paid, as in this section hereinafter provided, all the expenses of the various departments of the City and County, except such expenses as are by this Charter to be paid out of the Funds specifically provided for the payment of such expenses. For the six months ending on the thirtieth day of June, in the year nineteen hundred, each and every of said departments shall expend the moneys set apart to each of them by the Board of Supervisors of the existing municipality. So much of said moneys set apart by said Board of Supervisors to the Superintendent of Public Streets, Highways and Squares for the fiscal year ending on said thirtieth day of June, in the year nineteen hundred, as shall remain unexpended at the time

this Charter takes effect, shall be expended during said six months by the Board of Public Works in the operations of the department committed to its charge. All the expenses of the City and County which are not to be paid out of specific funds shall be paid during said six months out of the General Fund. Should the moneys set apart by the Board of Supervisors of the existing municipality to any department of the City and County become or be exhausted at any time during said six months, or should any department created by this Charter have no money specifically provided for it during said six months, then in each such case the expenses thereof shall be paid out of the General Fund, notwithstanding anything contained in Sections 6 and 7 of Chapter 1 of Article III of this Charter. Such pensions as may accrue to firemen under Article IX of this Charter during said six months shall be paid out of the General Fund. The existing municipality mentioned in this section is the existing municipality of the City and County of San Francisco, and the several funds which are to be transferred as in this section provided are funds of said existing municipality. All the funds of said existing municipality not mentioned in this section, and which are authorized by law, shall be continued in the treasury until the necessity for their continuance ceases.

Balances of Unnecessary Funds.

Sec. 38. When the necessity for maintaining any Fund of the City and County in existence at the time this Charter takes effect has ceased to exist, and a balance remains in such Fund, the Supervisors shall so declare by ordinance, and upon such declaration such balance shall be forthwith transferred to the General Fund.

Terms of Officers.

Sec. 38*a*. The term of office of the Mayor, County Clerk, Auditor, District Attorney, Sheriff, Coroner and nine of the eighteen Supervisors shall be four years, commencing January 8, 1912, and the term of office of the Tax Collector, Recorder, City Attorney, Public Administrator, Treasurer and nine of the eighteen Supervisors shall be two years until the eighth day of January, 1914, and thereafter shall be four years.

Thereafter all the terms of the officers herein named shall be four years. The nine Supervisors receiving the highest number of votes at the municipal election held in 1911 shall be the Supervisors whose terms shall be four years from January 8, 1912, and the terms of the nine Supervisors receiving the next highest number of votes at said municipal election shall be two years from January 8, 1912; *provided* that if it should be impossible to determine the highest number of votes by reason of others having received the same number of votes, then those so tied shall choose by lot the four-year term. At each general municipal election officers shall only be chosen to succeed those whose terms expire in the month of January next following. The provisions of this section shall be deemed to be amendatory of all other provisions in the Charter relating to the terms of the officers herein named, whether

heretofore existing or contained in sections amended in other respects concurrently with the adoption of this amendment.—*New section added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Sec. 41. It is hereby expressly provided that all amendments to the Charter submitted and adopted concurrently herewith that create new positions or change the designation of any officer or employee, or which increases the compensation of any officer or employee, shall not take effect until July 1, 1911.—*New section added by amendment November 15, 1910; approved by the Legislature February 17, 1911 (Statutes, 1911, page 1661).*

Sec. 42. Except as otherwise provided, all amendments to the Charter submitted and adopted concurrently herewith, or that may be hereafter adopted, that increase the salary of any officer or employee shall not take effect until the end of the fiscal year in which such amendment is ratified by the Legislature of the State of California.—*New section added by amendment March 16, 1915; approved by the Legislature April 1, 1915 (Statutes, 1915, page 180.)*

Pensions of Policemen or Firemen Absent in Army or Navy.

Sec. 43. Absence of any officer or member of the Police or Fire Departments of the City and County of San Francisco from service in either of said departments caused by reason of the service of such officer or member in the military or naval forces of the United States in any war in which the United States is now or may become engaged, shall not be deemed to be such an absence from service in either of said departments as shall break the continuity of service required of such officer or member to entitle him to a pension as provided in this Charter, but the period of such absence in such military or naval service shall not be deemed service in either of said departments.—*New section added by amendment November 5, 1918; approved by the Legislature January 17, 1919 (Statutes, 1919).*

SCHEDULE.

Publication of Charter, and Ratification at Special Election.

This Charter shall be published for twenty days in The San Francisco Call and in the Daily Report, daily newspapers of general circulation in the City and County of San Francisco, and after such publication, viz.: on Thursday, the twenty-sixth day of May, in the year one thousand eight hundred and ninety-eight, it shall be submitted to the qualified electors of said City and County of San Francisco, at a special election which shall be held on that day, for the sole purpose of voting upon the adoption of the same; and if a majority of the qualified electors of said City and County voting at said election shall ratify the same it shall be submitted to the Legislature of the State of California for its approval or rejection. If the Legislature shall approve the same, it shall take effect and be in force, except as hereinafter otherwise provided, on and after the hour of noon on the first Monday after the first day of January, in the year nineteen hundred, and shall thereupon become the Charter

and organic law of the City and County of San Francisco, and shall supersede the existing Charter of said City and County, and all amendments thereof, and all laws inconsistent with this Charter.

The form of ballots at said election shall be as follows:

For the New Charter, YES.
For the New Charter, NO.

For the sole purpose of the election of the officers directed in this Charter to be elected by the people, this Charter shall take effect on and after its approval by the Legislature, and the election of such officers shall be managed, conducted and controlled by the Board of Election Commissioners in and for said City and County in office at the time of such election.

And for the sole other purpose of the Mayor elected under this Charter making the appointments provided in this Charter to be made by him, and of the qualification of the persons so appointed, this Charter shall take effect on the first day of December, in the year one thousand eight hundred and ninety-nine.

Be It Known, That the City and County of San Francisco, containing a population of more than two hundred thousand inhabitants, on the twenty-seventh day of December, in the year one thousand eight hundred and ninety-seven, and under and in accordance with the provisions of Section 8, of Article XI, of the Constitution of this State, did elect the undersigned a Board of Fifteen Freeholders, to prepare and propose a Charter for said City and County; and we, the members of said Board, in pursuance of such provisions of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, signed in duplicate, as and for the Charter for said City and County of San Francisco.

In Witness Whereof, we have hereunto set our hands in duplicate, this twenty-fifth day of March, in the year one thousand eight hundred and ninety-eight.

JOSEPH BRITTON, *President,*
JEROME A. ANDERSON,
JAMES BUTLER,
H. N. CLEMENT,
A. COMTE, Jr.
ALFRED CRIDGE,
L. R. ELLERT,
ISIDOR GUTTE,
P. H. McCARTHY,
JOHN NIGHTINGALE, Jr.
JOHN C. NOBMANN,
JOSEPH O'CONNOR,
LIPPMANN SACHS,
EDWARD R. TAYLOR,
A. W. THOMPSON.

Attest: J. RICH'D FREUD, *Secretary.*

City and County of San Francisco. ss.
State of California.

This is to certify that we, James D. Phelan, Mayor of the City and County of San Francisco, and Thomas J. Glynn, County Recorder of said City and County, have compared the foregoing proposed and ratified Charter with the duplicates mentioned therein, and find that the same is an exact copy thereof; and we further certify that the facts set forth in the preamble preceding said Charter herein are true.

Dated, San Francisco, Cal., December thirtieth, eighteen hundred and ninety-eight.

JAMES D. PHELAN,
Mayor of the City and County of San Francisco.

THOS. J. GLYNN,
County Recorder of the City and County of San Francisco.

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